

(9iv) **Mr S Mackie**

**To the Leader of the Council**

**“Will you outline the following: What guidance was used to determine the Council’s omission from the UK Government’s Coronavirus Job Retention Scheme (Furlough) and whether dialogue and / or confirmation was sought from HMRC, Scottish Government and COSLA on scheme eligibility? And whether this decision was reviewed by either Officer or Political Gold, in light of public announcements from across the UK that Councils were actively pursuing and successfully furloughing staff in the months of May, June and July?”**

The Council used the following guidance in forming a view on the Job Retention Scheme

- Government Guidance on Coronavirus Job Retention Scheme
- Public Sector Organisations

The government expects that the scheme will not be used by many public sector organisations, as most public sector employees are continuing to provide essential public services or contribute to the response to the coronavirus outbreak.

Organisations who are receiving public funding specifically to provide services necessary to respond to COVID-19 are not expected to furlough staff.

*“In a small number of cases, for example where organisations are not primarily funded by the Government and whose staff cannot be redeployed to assist with the coronavirus response, the scheme may be appropriate for some staff.”*

1. The Scheme is voluntary, and employers will need the agreement of employees in order to furlough them.

In exceptional cases where Local Authorities need to close venues and furlough staff, it may be appropriate for them to claim funding through the Coronavirus Job Retention Scheme. Whilst these judgements are for Local Authorities to make, the Government expects that these circumstances would be limited to where the employee:

2. Works in an area of the business where services are temporarily not required, and their salary is not covered by public funding
3. Cannot be redeployed elsewhere in the organisation to support the coronavirus response
4. Would otherwise be made redundant or laid off

### Assessment of staff eligible for Furlough

HLH (arm's length Culture and Leisure organisation) were required to close their facilities (leisure centers, swimming pools, community halls, libraries) and assessed over 1,900 staff eligible for furlough which took place mid-April. Furloughed HLH staff meet at least two of the furlough criteria indicated above with their salaries part funded by income generation.

HLH furloughed 1302 staff saving £2.9M

No formal report has been submitted to Senior Leadership Team on furloughing staff, however legal advice received at the time stated to furlough local authority staff may go against the spirit of the legislation and unlikely to be legally robust. An early decision was taken by the Gold Group to deploy staff into alternative work for those staff who are no longer able to work due to COVID. This deployment of staff was mainly to Community Hubs, Childcare Hubs, Shielding Help desk, Business Grants team, Temporary Morgue, Recycling Centers and Waste Collection.

The Council is aware that 4 of the 32 authorities have applied to the Job Retention Scheme.