

Bury Council

Repossession Prevention Fund

Policy and Procedure June 2012



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1.0 Introduction

- 1.1 The Repossession Prevention Fund (RPF) was introduced by the Government in the 2009 Budget, to enable local authorities to offer small loans and grants to households at risk of homelessness through repossession or eviction. On the 30 June 2012 the funding available for this work stood at £126,394.
- 1.2 The RPF is a discretionary fund designed to support the Mortgage Rescue Scheme (MRS). (Information about the MRS can be downloaded from http://www.bury.gov.uk/Housing/Housing Options/Governments Mortgage Rescue Scheme. It is managed by the Principal Officer Housing Strategy & Enablement on behalf of the Executive Director Adult Care Services.
- 1.3 The RPF can be used to provide interest free loans and grants of up to £5,000 to homeowners applying for mortgage rescue, who are at risk of homelessness through repossession. The RPF can also be used to assist owner occupied households who are not eligible for the MRS and tenants in the social or private sectors who are struggling with their rental payments and face eviction. However, payment will only be made as a last resort when all options for the rehabilitation of the mortgage/tenancy have been exhausted and the household is in danger of losing their home.
- 1.4 The RPF will be administered by the Council using powers under Section 1 and 2 of the Local Government Act 2000, having regard to the aims and objectives of Bury's Community Strategy and the fact that the RPF is designed to promote the social and economic wellbeing of the borough.

2.0 Administration

- 2.1 The funding is flexible and payments can be made in the form of grant or interest free loan. Communities and Local Government (CLG) guidance recommends using the money to provide interest free loans where possible, as the money can be recycled to help additional households at risk of repossession and eviction in the future. Support from the RPF will only be available if such action is likely in the reasonable opinion of the Council to prevent repossession/eviction.
- 2.2 The budget for the RPF is funded by grant payment from Central Government under Section 31 of the Local Government Act 2003.
- 2.3 Payments agreed under the RPF will only be made direct to an appropriate third party (e.g. mortgagee to clear mortgage arrears or landlord to clear rent arrears). The decision for expenditure of funds lies with the Council and applications will be assessed on the basis of need, affordability and circumstance. Grant payments will be made in cases where the probability of repayment is unlikely.



3.0 Eligibility Criteria

- 3.1 The RPF can only be used to assist households living in the borough who meet the eligibility criteria set out in Appendix 1, and who genuinely cannot afford to pay their rent or mortgage (and not those who can afford to pay but choose not to). The following examples represent the type of initiatives that the RPF can be used for:
- 3.1.1 Tenants who have accumulated rent arrears as a result of debt or income shock caused by loss of earnings, where there is no previous history of rent arrears. However, the landlord must agree to write off an equal amount of the debt. For example, if the rent arrears total £1,000, the landlord must be willing to write off £500 before a payment can be made from the RPF. The RPF will not cover charges for damage to a property or historic rent arrears relating to a previous tenancy.
- 3.1.2 To reduce mortgage arrears where the household is threatened with repossession (i.e where there is evidence of repossession action, where a notice of eviction has been served, adjournment or similar) and lenders cannot apply forbearance procedures due to the level of arrears.
- 3.1.3 To reduce or part settle secured loans where that charge had been taken out against the property for security.
- 3.1.4 Mortgage Rescue cases where there is negative equity (when the mortgage and secured loans are greater than the value of the property) providing the lender/chargee is willing to negotiate and write off any remaining debt or allow the debt to remain as an unsecured charge, which can be paid off in affordable monthly instalments. Payments used to support the MRS will be made directly to the Zone Agents, Plumlife (part of Great Places Housing Group) who will invoice the Council once the rescue is complete.
- 3.1.5 'Last chance' or emergency payments to lenders or landlords where a possession order is about to be enforced.
- 3.1.6 Payment can be made to a registered provider purchasing a property under the MRS, as a contribution towards improvement works which would be necessary to facilitate a purchase. Grant payments will be made in such cases, as the applicant will no longer be the homeowner.
- 3.2 This list is not exhaustive and payments may be used at the discretion of the Executive Director, Adult Care Services for various costs including:
 - market valuations where there is evidence that a property may have been down valued;
 - payment of service charge arrears;

payment of buildings insurance which would otherwise prevent a rescue.

3.3 Payments will only be made where:

- all options in terms of avoiding repossession/eviction have been explored. The RPF is public money and must only be used as a last resort, providing the lender or landlord is prepared to compromise on the debt which results in the threat of repossession or eviction being removed.
- households are eligible and fall into a priority need category under Part VII of the Housing Act 1996 (see Appendix 1).
- there is confirmation that the household is in genuine difficulty (see Appendix 2). This could include verification of income and expenditure, proof of benefits, bank statements and information from the mortgage account if applicable.
- households are willing to act on money advice from a registered debt advisor, such as the Citizens Advice Bureau (CAB), to resolve the issues that have caused the hardship in the first place.
- households can demonstrate that they can afford to remain in the property for the foreseeable future, following payment from the RPF (see Appendix 2).
- · households are resident within the borough.
- intervention from the RPF results in the threat of repossession or eviction being removed.
- the amount needed to eliminate the threat of repossession or eviction is £5,000 or less.

3.4 Payments may not be made:

- if there is another way to resolve the problem. For example payments cannot be used to clear arrears caused by delays with Housing Benefit claims.
- if the household has previously received assistance from the RPF.
- if the household is unable to maintain existing or newly negotiated monthly payments after the rescue.
- If the household has outstanding rent arrears from a previous address.

4.0 Further Eligibility Criteria

4.1 The Repossession Prevention Fund offers successful applicants a grant or loan payment to be used to reduce or clear rent/mortgage arrears to prevent a household from having their home repossessed. Without prejudice to the fact that each application shall be assessed on the particular merits, support shall generally be made available where there is considered to be no other practicable way of resolving the problem. Applicants shall be required to have taken money advice from the Citizens Advice Bureau.

To be considered for support, an applicant must:

- § be at risk of homelessness due to mortgage or rent arrears.
- have repayment difficulties caused by a change of circumstances i.e. unemployment, sickness, drop in income, or any other circumstance considered reasonable determined by the Executive Director (Adult Social Care).
- have been interviewed by the Principal Officer Housing Strategy & Enablement or a member of the Homeless Team who have established that recourse to the RPF is the best option.
- have received money advice on their financial situation from the CAB and completed a financial assessment.
- all other options have been exhausted to the satisfaction of the Executive Director (Adult Social Care).
- be in priority need for accommodation as defined by the Housing Act 1996 (as amended).
- not have the resources to pay current accommodation costs but be likely in the reasonable opinion of the Executive Director (Adult Social Care) to be able to/or likely to pay them in the future after assistance from the RPF has been provided.

5.0 Monitoring

- 5.1 Usage of the RPF will be recorded and monitored by the Principal Officer Housing Strategy & Enablement on a monthly basis and on a quarterly basis, as part of the Government's monitoring return for the MRS.
- 5.2 The particulars of each case will be recorded on the Council's Mortgage Rescue Database. This will include details of the payment, full contact details and the household's background information for equality and diversity monitoring purposes.
- 5.3 These procedures will be reviewed annually to take account of any changes in the legislation.
- 5.4 Decision making and financial administration processes will be subject to scrutiny by Internal Audit.



6.0 Appendix 1 – Priority Categories

- 6.1 The following categories are considered to have a priority need for accommodation, according to Part VII of the Housing Act 1996:
 - 1. a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
 - 2. a person with whom dependent children reside or might reasonably be expected to reside;
 - 3. a person who is vulnerable as a result of old age, mental illness, physical disability or other special reason, or is someone with whom such a person resides or might reasonably be expected to reside;
 - 4. a person who is homeless or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster;
 - 5. a person (other than a person to whom paragraph (6) below applies) aged sixteen or seventeen who is not a relevant child for the purposes of Section 23A of the Children's Act 1989.
 - 6. a person to whom a local authority owe a duty to provide accommodation under Section 20 of that Act (provision of accommodation for children in need).
 - 7. a person (other than a relevant student) who:
 - (a) is under twenty-one; and
 - (b) at any time after reaching the age of sixteen, but while still under eighteen, was, but is no longer, looked after, accommodated or fostered.
 - 8. a person (other than a relevant student) who has reached the age of twenty-one and who is vulnerable as a result of having been looked after, accommodated or fostered.
 - 9. a person (other than a relevant student) who has reached the age of twenty-one and who is vulnerable as a result of having been a serving member of Her Majesty's armed forces
 - 10. a person who is vulnerable as a result of:
 - i) having served a custodial sentence (within the meaning of Section 76 of the Powers of Criminal Courts (Sentencing) Act 2000;
 - ii) having been committed for contempt of court or other kindred offence, or

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- iii) having been remanded in custody (within the meaning of Paragraph (b), (c) or (d) of Section 88 (1) of that Act).
- 11. a person who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out.



7.0 Appendix 2 - Procedures for the Administration of the RPF

- 7.1 Potential households will be interviewed by the Principal Officer Housing Strategy & Enablement and/or a member of the Homeless Team ('the Designated Officer') to:
 - g determine that they are at risk of homelessness due to repossession or eviction;
 - s establish their priority needs (please refer to Appendix 1);
 - explore potential options in terms of avoiding repossession or eviction:
 - g establish that avoiding repossession/eviction is the most suitable option;
 - establish that support from the RPF is likely to prevent repossession or eviction;
 - ensure that where the household are tenants a written agreement has been obtained from the landlord to confirm that the household can remain in the property for a minimum of 6 months if the request for assistance is accepted (see Appendix 5).
- 7.2 As part of the interview, the Designated Officer must ascertain that the household can afford to remain in their existing home if their rent or mortgage arrears are reduced/cleared. Documentary evidence is required to support all applications which should include:
 - written notification from lender/landlord detailing the amount of arrears;
 - confirmation of any formal legal action e.g Notification of Possession Proceedings, Eviction Notice or Notice Seeking Possession;
 - financial assessment undertaken by a Money Advisor;
 - confirmation of mortgage/rent payable.
- 7.3 An application form (Annex B) will be completed by the Designated Officer in each case on the basis of information provided by the applicant. Each application will be given a case reference number.
- 7.4 The Designated Officer will keep a written record of the circumstances which have led them to make a recommendation for payment from the RPF.
- 7.5 All households will be referred to a Money Advisor at the Citizens Advice Bureau (the Council's MRS partners) for a full financial assessment and help with budgeting and debt management. A financial statement will be prepared as part of this process. The statement will record all income and expenditure (on the basis of notional allowances) to provide a basis upon which to establish affordability for accommodation costs in the long term. The Designated Officer will determine whether payment from the RPF

- should be provided as a grant or loan, based on the financial assessment.
- 7.6 Interest free loans will be offered to households who can demonstrate their ability to repay a loan, following a full financial assessment with a Money Advisor. The loan value, repayment amount and the period over which the loan can be repaid will be determined by the Designated Officer, in conjunction with the household and Money Advisor, according to the financial assessment.
- 7.6.1 Loan repayments shall be made by bank standing order (see Appendix 3), in accordance with a sundry debtor invoice raised by the Principal Officer Housing Strategy & Enablement.
- 7.6.2 The Principal Officer Housing Strategy & Enablement will monitor loan repayments on a quarterly basis.
- 7.6.3 If a household experiences a change in their financial circumstances during the course of the loan, they will be referred to a Money Advisor for a financial assessment in accordance with paragraphs 6.6 and 6.6.1 of this schedule.
- 7.7 Grant payments will be made in cases where the probability of repayment is unlikely, following the financial assessment (i.e where the financial statement shows that there is no additional income available to repay a loan).
- 7.8 Payment from the RPF will only be made to households who are willing to act on money advice, in order to resolve the problem that has caused difficulties to arise which have resulted in an applicant approaching the RPF for support. A Money Advice Declaration must be signed by all applicants (see Appendix 4).
- 7.9 All applications will be determined on the particular merits thereof.
- 7.10 All payments from the RPF must be approved by the Executive Director Adult Care Services, taking into account the recommendations of the Principal Officer Housing Strategy & Enablement.
- 7.11 If funding is approved, the Designated Officer will continue to monitor the application until the payment has been made. Payments to lenders under the MRS will be paid by the Council direct to Plumlife (administrators of the MRS) in settlement of an invoice issued from them.
- 7.12 If an application for payment is rejected, the case will be referred to the Homeless Team where alternative housing options will be explored.
- 7.13 All payments will be made directly to the creditors payments will not be made to individual households.

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- 7.14 All information relating to the application will be held in the RPF Monitoring Folder managed by the Principal Officer Housing Strategy & Enablement.
- 7.15 Any applicant who is not satisfied with the result of an application for assistance made in respect of the RPF may lodge a formal complaint through the Council's Corporate Complaints Procedure.

7.16 Financial Implications

- i) any loan administered from the fund will not be secured as a 'charge' against the property.
- ii) loans shall be administered by the Principal Officer Housing Strategy and Enablement.

7.17 Legal Implications

i) the procedure for administering the fund follows nonstatutory guidance. Accordingly, there are no legal implications with regard to appeals or consumer credit regulations.



8.0 Appendix 3 – Collection and Recovery of Sundry Invoices.

8.1 The collection and recovery of sundry debts is carried out in accordance with the Council's Financial Regulations. The Customer Accounts Team (based at Whittaker Street, Radcliffe), are responsible for the collection and recovery of sundry debts.

8.1.1 Collection

i) once an invoice has been raised and a payment arrangement has been agreed, a payment plan will be set up against the invoice within AGRESSO. The payment plan will be monitored on a monthly basis, to ensure that the required payments are received when they are due.

8.1.2 Recovery

- i) In the event of a default, the payment plan will be cancelled and a 'Reminder Notice' will be issued to the customer, requesting payment of the outstanding balance within 7 days.
- ii) If payment is not received within 7 days and there has been no contact from the customer, a 'Claim Letter' (letter before action) will be issued, 14 days after the issue of the Reminder Notice, requesting payment of the outstanding balance within 21 days, to avoid further recovery action being taken.
- iii) If payment is not received within 21 days, further recovery action will be taken, which could result in a referral to Legal Services for court action or, the invoice may be passed to an external debt agency for collection.

8.1.3 Legal Action

i) Legal Services will instigate proceedings at the County Court when necessary to determine the appropriate course of action, based on the amount of debt involved and supporting information obtained from the Customer Accounts Team.

8.1.4 Debt Collection Agencies

- i) The Customer Accounts Team may instruct a debt collection agency to recover the debt. The agency will look to recover the debt initially by telephone or letter. If these methods prove unsuccessful, the agency will employ a 'doorstep collections' approach.
- ii) The debt collection agency has the authority to:
 - Seek immediate payment.
 - Make a suitable payment arrangement with the customer.

iii) Recovery costs will be charged to the department. The department will not be charged if the debt collection agency fails to recover any money. All debt collection agencies employed by the Council operate under a service level agreement and are required to abide by the Council's Bailiff Code of Practice.

8.1.5 Alternative Payment Arrangements

i) Alternative payment arrangements will be considered at all stages of recovery and the customer's current financial circumstances will be taken into account.

Write Offs

i) If an invoice is considered to be irrecoverable, in accordance with the Council's 'Write Off Policy', the invoice will be submitted to the appropriate officer for write off.



9.0 Appendix 4 – Standing Order Instruction

SUNDRY INCOME - STANDING ORDER INSTRUCTION

PLEASE COMPLETE ALL SECTIONS AND SEND TO $\underline{\mathsf{YOUR}}$ BANK/BUILDING SOCIETY.

RP	F Ref No:
1.	Please write the name and address of your bank/building society below:
	TO THE MANAGER:
2.	PLEASE MAKE THE PAYMENTS DETAILS BELOW TO:
	The Co-operative Bank plc 1 Balloon Street Manchester M60 4EP
	Sort Code: 08-92-30
	Account to be credited: 61492987 Bury MBC General Account
	Invoice Number:
3.	DETAILS OF PAYMENT: Payment of £ to be made on: Followed by further payments of £ commencing on the and each month thereafter.
4.	DOES THIS REPLACE AN EXISTING STANDING ORDER? YES/NO
	This replaces any previous standing order under the above reference.
	This replaces any previous standing order under reference
5.	CUSTOMER BANK DETAILS:
	Account in the name(s) of:
	Account number:
6.	Signed: Date:

10.0 Appendix 5 – Money Advice Declaration

Money Advice Contract (to be signed by all applicants).

As part of the application process the Citizens Advice Bureau will prepare a financial statement detailing your income and outgoings, to assess your suitability for assistance from the Repossession Prevention Fund. They can also provide help in preparing budgets, maximising income, negotiating with creditors and dealing with court papers. This service is free, independent and confidential.

You must agree to comply with the following conditions:

- You will do your best to supply complete and accurate information on your current situation, including your present income and expenditure and all your debts.
- You will supply the Citizens Advice Bureau with proof of your income and the latest correspondence from each of your creditors i.e. anyone to whom you owe money.
- You will attend all appointments made for you, or will let the Citizens Advice Bureau know in good time if you are unable to attend.
- You will let the Citizen's Advice Bureau and Bury Council know if your lender/landlord or a creditor has contacted you while we are supporting your debt case.

Once a sustainable budget has been prepared for you:

- You will keep your expenditure within the budget.
- You will make all agreed repayments to creditors.
- You will not take out any more credit.
- You will not enter into separate negotiations with any of your creditors.
- You will tell us about any changes in your financial circumstances.

In the event that you are unable to comply with any of the above conditions, we may regretfully have to withdraw from assisting you.

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Please sign and date the declaration below to confirm your acceptance of the terms and conditions in this contract:

By signing this application I/we understand that I/we am/are under a legal duty to disclose a true and complete account of my/our financial circumstances including all capital, savings and investments held by me/us or on my/our behalf.

1st applicant:	
Signature:	
Date:	
2nd applicant:	
Signature:	
Date:	

11.0 Appendix 6 – Landlord Agreement

Repossession Prevention Fund

Landlord Agreement

Re: Mr and Mrs (address)
I,), confirm that I agree not to commence possession proceedings in relation to the above tenancy for a period of six months from the date of signing this document that is until, subject to receiving a payment from Bury Council's Repossession Prevention Fund to clear rent arrears in the amount of £
I further confirm that I shall apply for possession proceedings under claim/reference number in County Court to be dismissed with no order for costs and that I shall promptly notify the court of this declaration.
Signed (the Landlord).
Dated

12.0 Annex A - Declaration

<u>Declaration and Authority to Disclose Information (if making a joint application both applicants must sign the declaration).</u>

The information supplied in this form will be held on file.

I/we authorise Bury Council to make any necessary enquiries in connection with my/our application for assistance from the Repossession Prevention Fund. I/we understand that relevant agencies may include, but are not limited to mortgage lenders, loan providers, current and previous landlords, the Citizens Advice Bureau and all council departments.

I/we give permission to Bury Council to use my/our information and personal data to check my/our suitability for assistance from the Repossession Prevention Fund.

I/we give permission to Bury Council to share my/our information and personal data with other third parties, to check my/our suitability for assistance from the Repossession Prevention Fund.

I/we confirm that the information I/we have given to the Council is correct and no relevant facts have been withheld. I/we understand that it is an offence to knowingly or recklessly make a false declaration or withhold information in connection with my/our application. I/we understand that if it is found that false information has been given to obtain a payment from the Repossession Prevention Fund either knowingly or recklessly, I/we could be excluded from the scheme and appropriate legal action including prosecution may be taken.

Applicant 1 Name:		
Signature:	Date:	
Applicant 2 Name:		
Signature:	Date:	
Address of property:		
Please direct any queries to:		
Jackie Summerscales (Principal Officer – Housing Bury Council Textile Hall Manchester Road Bury BL9 0DG	Strate	gy & Enablement)

0161 253 7652 or e-mail j.a.summerscales@bury.gov.uk

13.0 Annex B – Application Form

REQUEST FOR ASSISTANCE FROM THE REPOSSESSION PREVENTION FUND (To be completed by the Designated Officer)

Officer Details:
Applicant Name(s):
Property address:
Telephone Number(s):
Case Ref No:
Household Details:
Is the property privately owned or rented?
Mortgage/tenancy details:
Secured loan details:
Is the household at risk of homelessness due to repossession or eviction? Yes/No
If yes please give brief details:
Is the household considered to be in priority need? Yes/No (if yes state reason)
If payment through the Repossessions Prevention Fund is not approved is the household eligible for assistance under the Homelessness Act 2002? Yes/No
Rent Arrears Cases Only
Name and Address of landlord:

		_		from the landlord to confirm that the household will they can return and remain for 6 months?
Yes		No		
If No,	please giv	ve details		
Paym	ent Deta	ils		
Amou	nt Reques	ted		(up to a maximum of £5,000)
Natur	e of the Pa	ayment (i.e. g	rant or loan))
Please	e specify w	vhy grant/loar	ı is thought t	to be appropriate:
		n a recommen ment (please o		the CAB Yes/No n detail as possible)
	_	-	_	icer – Housing Strategy & Enablement
•	ent Appro		es 📙	No L
If No	give Detai	ls		

Background information: To be collected for monitoring purposes, where the applicant(s) is/are not receiving assistance from the Mortgage Rescue Scheme.

Applicant 1

Male Female one box only				
	box only			
16-24 25-34 35-4	14 45-54 55-59	60-64 65-74 75+		
Do you consider yours	self to have a disabilit	ty? - Please tick one box only		
Yes No				
Race- Please tick the	e box that best describe	es your ethnic background		
Section A - White	☐ Traveller of Irish	Other White European		
│	Heritage	☐ Any other White		
│	☐ Gypsy/Roma	background		
Section B - Mixed	White/ Black	(Please provide details) ☐ White/ Bangladeshi		
Race	African	Any other Mixed Race		
☐ White/ Black	☐ White/Indian	background		
Caribbean	☐ White/Pakistani	(Please provide details)		
Section C - Asian or	Pakistani	\square Any other Asian background		
Asian British	Bangladeshi			
☐ Indian Section D - Black or	Chinese	(Please provide details)		
Black British	☐ Black African ☐ Black British	Any other Black background		
Black Caribbean	☐ DIGCK DITUSIT	(Please provide details)		
Section E - Other	Any other backgrou			
Ethnic Backgrounds	(Please provide details			
Unknown	Name of the Control o			
Do you have any caring responsibilities? – Please tick one box only				
Yes No				
Religion or Belief - What is your religion or belief? Please tick one box only				
Buddhist Ch	ristian Hindu	Jewish		
Muslim Si	kh Other	Religion No religion		
Sexuality – What is your sexual orientation- Please tick one box only				
Gay Man/ Gay Wom	nan/ Lesbian H	eterosexual		
Bisexual	Pı	refer not to say		
Pregnancy and Maternity – Are you pregnant or on maternity leave? Yes No				

Applicant 2

Gender – What sex are you? Please tick one box only Male Female				
Age - Please tick one line	oox only 4 45-54 55-59	60-64 65-74 75+		
Do you consider yours	elf to have a disabilit	ry? - Please tick one box only		
Yes No				
Race- Please tick the	box that best describe	s your ethnic background		
Section A - White	☐ Traveller of Irish	Other White European		
British	Heritage	Any other White		
│	☐ Gypsy/Roma	background		
Section B - Mixed	White/ Black	(Please provide details)		
Race	African	☐ White/ Bangladeshi☐ Any other Mixed Race		
White/ Black	☐ White/Indian	background		
Caribbean	☐ White/Pakistani	(Please provide details)		
Section C - Asian or	Pakistani	Any other Asian background		
Asian British	Bangladeshi			
Indian	Chinese	(Please provide details)		
Section D - Black or	Black African	Any other Black background		
Black British	☐ Black British	(Discourse 1 de del 2 de)		
Black Caribbean	Any other hadrane	(Please provide details)		
Section E - Other Ethnic Backgrounds	Any other backgrou (Please provide details			
Unknown	(Flease provide details)		
Do you have any caring responsibilities? – Please tick one box only Yes No				
Religion or Belief – What is your religion or belief? Please tick one box only				
Buddhist Ch	ristian Hindu	Jewish		
Muslim Sik	ch Other	Religion No religion		
Sexuality – What is your sexual orientation- Please tick one box only				
Gay Man/ Gay Woman/ Lesbian Heterosexual				
Bisexual Prefer not to say				
Pregnancy and Maternity – Are you pregnant or on maternity leave? Yes No				