

## Full Equality Impact Assessment- EIA

An EIA is a way of finding out if:

- Our services are accessible to service users and employees.

An EIA helps us to make sure that:

- Our functions and policies do not have a negative impact or discriminate in any way against any members of our local community.

**A Full EIA needs to work through the following stages:**

- ⇓ **Establish clear aims & objectives-** What is the purpose? Who will benefit? What are the intended outcomes?
- ⇓ **Consideration of data & information-** National & local data; service data; satisfaction/feedback data; complaints; research
- ⇓ **Assessing the impact-** Who does/does not use service? Have you consulted? Does it reflect varied needs of community?
- ⇓ **Reviewing/Scrutinising the impact-** Is there a differential impact on different groups? Is it adverse? Is it directly or indirectly discriminatory? *Show justification if applicable*
- ⇓ **Addressing the issues-** Measures to alleviate impact; alteration to policy; action plans
- ⇓ **Formal consultation-** Use appropriate methods; consult those affected or with legitimate interest; consult widely; ensure consultation is open, inclusive & accessible
- ⇓ **Making a decision-** Explain decision & intended effects/benefits; monitor any actions
- ⇒ **Publication of results-** Accessible & user friendly; add website & intranet; notify consultees

<b>Name of service or policy being assessed</b>	Proposals to make technical changes to align the Council Tax Reduction Scheme with Housing Benefit, Tax Credits and Universal Credit as set by central Government from 2017/18		
<b>Directorate</b>	Chief Executive	<b>Is this a new or existing service or policy?</b>	New/ Existing
<b>Officers completing the assessment</b>	Lucy Wright-Revenues, Benefits & Customer Services Manager	<b>Director</b>	Ian Miller-Chief Executive
<b>Date</b>	October 2016	<b>Relevant Cabinet Member</b>	Cllr Sara Fearn-Cabinet Member for Transformation & Change

**Establish clear aims & objectives**

What is the purpose and expected outcomes?

The Council Tax Reduction Scheme (CTRS) provides assistance to people on low incomes to help them pay their council tax.

When council tax benefit was abolished and replaced by localised council tax schemes in 2013, central government protected pensioners with a view that they are unable to take advantage of employment and unable to alter their financial situation.

Our current scheme was introduced in 2013 and meant all working age claimants had to initially pay 8.5% of their council tax liability, which rose to 10% in 2014 and 20% in 2016.

The proposed scheme will continue to protect pensioners who will get the same level of council tax support as they do now. The proposals to change the CTRS from 2017/18 are as follows:

- Removal of the family premium to align with *The Housing Benefit (Abolition of the family premium and limiting backdating) (Amendment) Regulations 2015*
- Temporary Absence to align with *The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016*
- Removal of entitlement to Severe Disability Premium (SDP) to align with *The Universal Credit and Miscellaneous Amendments Regulations 2015*

Primary legislation has been passed for the following changes as part of the Welfare Reform and Work Act 2016 and awaits secondary legislation:

- Removal of Employment Support Allowance (ESA) work related activity component
- Number of dependent children additions are limited to two

Will there be any effect on other council procedures or strategies e.g. Corporate Plan or the council's workforce?

None

Are there any statutory requirements or implications?

The Local Government Finance Act prescribes details of the scheme to be used for pension age applicants under the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012.

	Certain aspects of the scheme for working age applicants are also included within those regulations.
Are there any other organisations / bodies involved?	None
<b>Consideration of data &amp; information</b> National & local data; service data; satisfaction/feedback data; complaints; research that is being used	<p>Due to changes made by central government from 2013 all local authorities were required to create a local scheme to replace council tax benefit. If the Council wish to consider making any changes to the scheme, there is a legal requirement to undertake a consultation.</p> <p>The Council has consulted on a range of options including whether or not to make changes to the existing scheme to make the financial savings required by all preceptors. If no changes are made to the scheme, opinion was sought as to how the council could make the required savings including increasing council tax for all households, using reserves or cutting/reducing existing services.</p> <p>The consultation ran from 5<sup>th</sup> October to 7<sup>th</sup> November 2016. Staff were asking customers to comment, press releases were issued, it was displayed on the home page of our website, emails were sent to our partners asking them to promote it, and it was promoted on our social media sites.</p>
<b>Assessing the impact</b> Who does/does not use service? Have you consulted? Does it reflect varied needs of community?	<p>All households are liable to pay council tax. However the level of financial support they receive is up to the Council to decide under their local scheme regulations.</p> <p>The current scheme provides 100% support for low income pension age claimants and 80% support for low income working age claimants, meaning all working age households have to pay a minimum of 20% of their council tax bill.</p> <p>The Cabinet stated that they were not minded to change the level of support for working age claimants before 2019/20 however central Government have made changes to housing benefit, tax credits and universal credit. If the Council does not align it's CTRS, it will result in paying out more money to support working age claimants. The changes do not affect existing claimants as long as their circumstances remain the same. Changes will only affect new claimants from 1<sup>st</sup> April 2017.</p> <p>The current Council Tax Reduction Scheme caseload is approximately 8,642, 50% of which are working age.</p>

**What impact does the service / policy / project have on the nine protected characteristics as defined by the Public Sector Equality Duty 2010 – for definitions, please see overleaf.**

**Reviewing/Scrutinising the impact**

Is there a differential impact on different groups? Is it adverse? Is it directly or indirectly discriminatory? Show justification if applicable

<p><b>1. Age</b></p>	<p><b>Negative</b>  <u>Evidence:</u>                  While the changes will impact negatively on some new working age claimants from April 2017 as pensioners are protected the impact is not considered to be significant. The retention of a discretionary exceptional hardship fund that will support low income working age claimants will mitigate the impact on working age households that are unable to pay the liability.                  Current caseload shows that 50% of our caseload is working age and 50% are pensioners.</p>
<p><b>2. Disability</b></p>	<p><b>Negative</b>  <u>Evidence:</u>                  Working age disabled people (new claimants only or those whose circumstances change) may also be negatively affected. This is because they are believed to be disproportionately represented within the working age caseload and people with disabilities are less likely to have the same opportunities and access to work that would improve their financial situation. The retention of a discretionary exceptional hardship fund will support low income working age claimants, including those with disabilities that will mitigate the impact on claimants that are unable to pay their liability.  <b>Positive</b>  <u>Evidence:</u>                  The Council recognises the barriers disabled people face and seeks to address them by:</p> <ul style="list-style-type: none"> <li>• awarding additional premiums for disablement</li> <li>• disregarding higher levels of income where a claimant with a disability is working</li> <li>• there is no requirement to have non dependant deductions where the claimant is disabled and in receipt of DLA (Care), Personal Independence Payments (Daily Living Component), Attendance Allowance or registered blind.</li> </ul>
<p><b>3. Gender Reassignment</b></p>	<p><b>Positive/Negative</b>  <u>Evidence:</u>                  No impact</p>
<p><b>4. Marriage and Civil Partnership</b></p>	<p><b>Positive/Negative</b></p>

	<u>Evidence:</u> No impact	
<b>5. Pregnancy and Maternity</b>	<b>Positive/Negative</b> <u>Evidence:</u> No impact	
<b>6. Race</b>	<b>Positive/Negative</b> <u>Evidence:</u> No impact	
<b>7. Religion or belief</b>	<b>Positive/Negative</b> <u>Evidence:</u> No impact	
<b>8. Sex</b>	<b>Positive/Negative</b> <u>Evidence:</u> No impact	
<b>9. Sexual orientation</b>	<b>Positive/Negative</b> <u>Evidence:</u> No impact	
<b>Other</b> e.g. Deprivation, health inequalities, urban/rural divide, community safety.	<b>Negative</b> <u>Evidence:</u> Council Tax Reduction is a means tested discount that is available to low income households. It is on this basis that all working age recipients would be at a socio-economic disadvantage in particular lone parents, part-time workers and carers. The retention of a discretionary exceptional hardship fund that will support low income working age claimants will mitigate the impact on working age households that are unable to pay the liability.	
Can any differential impact be justified? (e.g. promoting equality of opportunity)	Y	<u>Evidence</u> N When creating the local scheme, the Council have given due regard to central government's stipulation that people of pension age must be protected. In a public consultation undertaken in 2012, the principle of 'Every household with working age claimants should pay something' was agreed by 84% of respondents and this became a principle embedded into our scheme. A further consultation was undertaken in 2015 and there were no objections raised to this principle which ensures a degree of fairness as it applies across all groups who are of working age. The scheme is devised to incentivise working age people to seek

			employment. For those who are in severe hardship or unable to increase their income, the Council manages a discretionary hardship fund to support them following a detailed review of the individual's and household's circumstances.	
Does any adverse impact amount to unlawful discrimination?	Y	N	<u>Evidence</u>	
<b>What alternative actions could be taken to mitigate any adverse impact?</b> <i>(add these to the action plan)</i>	Continuation of the exceptional hardship fund to support those in financial need.			
<b>Addressing the issues</b>				
<i>Measures to alleviate impact; alteration to policy; action plans</i>				
<b>ACTION PLAN</b>				
<b>Impact</b>	<b>Action required</b>	<b>Lead Officer</b>	<b>Timescale</b>	<b>Comments</b>
Financial pressure applied to low income families	Ensure all staff promote applications for the exceptional hardship fund to provide support to those in financial need	Lucy Wright	Ongoing	
	Continuously monitor the impact of the changes together with take up of the exceptional hardship fund.	Lucy Wright	Monthly	Monthly analysis of collection rates for CTRS caseload
	Report the number of applications/awards made against the exceptional hardship fund to Overview &	Lucy Wright	September 2017	Report to include expenditure to date to ensure adequate financial provision is made

	Scrutiny Committee			
<b>Action Plan to be reviewed:</b>	Date November 2017			

<b>Formal Consultation</b>	
What formal consultation has been undertaken?	Public consultation held in 2012, 2015 and 2016 as detailed above
<b>Making a Decision</b>	
Explain decision & intended effects/benefits; Can the service/policy proceed?	The Council was required to replace council tax benefit with a local scheme with the requirement that pensioners are to be protected. It is inevitable that there will be negative equality impacts. As a result however this is mitigated by the creation and continued use of an exceptional hardship fund
How will the service/policy / actions be monitored and reviewed? <i>(please give timescale)</i>	Continuous and ongoing monitoring of council tax collection rates with specific reference to CTRS claimants, numbers of reminders & summonses issued and number of exceptional hardship applications
<b>Publication of results</b>	
Accessible & user friendly; add website & intranet; notify consultees	To be published following full Council decision on 14 <sup>th</sup> December 2016
<b>Signed</b> Lucy Wright – Revenues, Benefits & Customer Services Manager	Date 19 <sup>th</sup> October 2016
<b>Agreed by Director of Service</b> Ian Miller – Chief Executive	Date 19 <sup>th</sup> October 2016

Prior to the Equality Act 2010, there were 3 separate public sector equality duties covering race, disability and gender. The Equality Act 2010 replaced these with a new single equality duty covering the following protected characteristics:

## **Protected characteristics: definitions**

**Age** - where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

**Disability** - a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Gender reassignment** - The process of transitioning from one gender to another.

**Marriage and civil partnership** - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

**Pregnancy and maternity** - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

**Race** - It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Religion and belief** - religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism).

**Sex** - a man or a woman.

**Sexual orientation** - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes