



Derby City Council

# Equality impact assessment form

**Directorate:** Organisation and Governance

**Service area:** Revenues: Benefits and Exchequer Services

**Name of policy, strategy, review or function being assessed:** Council Tax Support Scheme

**Date of assessment:** 5 November 2015

**Signed off by:**

**Cabinet, Personnel Committee or Chief Officer Group's decision:**

**Date published on website:**

## Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t.

Having ‘due regard’ means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

## **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

## **Contact for help**

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722

Minicom 01332 640666

Mobile 07812 300079

## The form

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

### What’s the name of the policy you are assessing?

The Council Tax Support Scheme

### The assessment team

Team leader’s name and job title – K Anderson, Change Manager

Other team members

Name	Job title	Organisation	Area of expertise
D Hallsworth	Welfare Reform transition Manager	DCC	Welfare Reform
L Stevenson	Project Manager	DCC	
K Anderson	Change Manager	DCC	Change
Tim Price	Welfare Advice Officer	DCC	Welfare Advice
Judi Bateman		Diversity Forum	
Moirra Findlay		Diversity Forum	
Andy Findlay		Diversity Forum	
Som Bhalla		Diversity Forum	

## Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

### **1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

Council Tax Support helps people who have a low income, or no income, to pay their Council Tax. The proposed changes to our Council Tax Support Scheme from 1 April 2016 will affect working age claimants; none of the proposed changes will affect pensioners.

We are proposing changes to the Scheme so that from 1 April 2016:

- (a) It addresses the Government's Welfare Reform changes.

The Government has introduced some Welfare Reforms since 2013. There are also further proposed changes expected in 2016/17 that will affect Council Tax Support claimants. Changes include:

- The introduction of Personal Independence Payments (PIP) and Universal Credit (UC)
- A four year freeze on many working age benefits
- Changes to the Tax Credits regime which will reduce the level of Tax Credits that claimants can receive
- The potential removal of the Family Premium from the Housing Benefit Regulations
- The potential reduction in the backdating time limit in the Housing Benefit Regulations which may reduce the limit from six months to one month.

The proposed changes to the Council Tax Support Scheme for 2016/17 are necessary to:

- Make sure that people who are receiving PIP or UC are treated fairly under the Scheme
- Make sure that the Scheme is automatically updated to reflect the cost of living without the need for further consultation
- Provide some protection for families with the amount of help they can get.

- (b) It updates automatically in line with Government changes to Housing Benefit rules to reflect the cost of living, so that our Scheme remains fair year on year without the need for further consultation each time there is a change.

- (c) The Scheme remains affordable and manageable for the Council within the resources it has available.

**2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

Council Tax Support is administered within the Revenues, Benefits and Exchequer Services Section, within the Organisation and Governance Directorate.

**3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

Working age people living in Derby receiving Council Tax Support.

**Step 2 – collecting information and assessing impact**

**4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

- (a) Major Precepting Authorities (MPAs) – that is, the Fire and Police authorities have been consulted with and made aware of how to take part in the consultation.
- (b) All with an interest in the Council Tax Support Scheme for Derby. Working age people living in Derby receiving Council Tax Support who will be directly affected, Derby residents and other stakeholders.
- (c) A public consultation is being held 16 October 2015 – 10 December 2015. This is being done mainly online, although paper forms are being made available for those who are unable to respond online, or who need the consultation in a different format.
- (d) We have written to all current Council Tax Support recipients of working age in Derby who will be directly affected by these proposals to highlight the consultation and how they can take part.

**5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for**

each equality group whether this is a negative impact, a positive one or if you are not sure

Equality groups	What do you already know?	No impact	Positive impact	Negative impact	Not sure
<b>Age</b>	<p>Under 18's are not liable to pay Council Tax so won't be considered as part of this scheme.</p> <p>Pensioners are excluded from these changes</p> <p>Non dependents – (that is, adults aged 18 and over living in claimants' households such as grown up sons and daughters) will mean less generous CTS entitlement for claimants</p>	<p>X</p> <p>X</p>		X	
<b>Disability</b>	<p>PIP awards will be disregarded as income in the same way as DLA is now</p> <p>Non dependant income will be included in calculations</p> <p>The proposed reduction in capital limits may disadvantage certain disability groups who need to save up and pay for specialist equipment, respite care etc</p> <p>Some disability groups will struggle with an online only application.</p> <p>The reduction in the backdating period may disadvantage those with good cause who have not applied immediately and who may struggle to understand the rules</p>	<p>X</p> <p>X</p>		<p>X</p> <p>X</p> <p>X</p>	
<b>Gender reassignment - trans</b>	N/A				
<b>Marriage and civil partnership</b>	N/A				
<b>Pregnancy and</b>	The proposed reduction in capital limits may disadvantage those who need to save up and			X	



<b>maternity</b>	pay for new baby equipment				
<b>Race</b>	<p>Customers who do not have English as a first language may struggle with</p> <ul style="list-style-type: none"> <li>• completing the online form</li> <li>• Understanding a shorter backdating period</li> </ul>			<p>X</p> <p>X</p>	
<b>Religion or belief or none</b>	N/A				
<b>Sex</b>	N/A				
<b>Sexual Orientation</b>	N/A				
<b>Families and people on low income</b>	<p>Reducing capital limits may</p> <ul style="list-style-type: none"> <li>• discourage saving and therefore decrease financial security</li> <li>• May impact other council service provision such as personal budgets for social care as customers will have lower capital amounts</li> </ul> <p>The housing element of Universal Credit will be disregarded as income in the CTS calculation</p> <p>Applicable income amounts used to calculate CTS will align with those used for Housing Benefits - over time the figures for Housing Benefits are planned to be frozen</p> <p>The family premium will continue to be included in the calculation despite plans to remove it from Housing Benefit calculations</p> <p>The rules for non-dependents will fall in line with the Housing Benefit rules. These rules are not as generous as currently in place for CTS</p> <p>The reduction in the backdating period may disadvantage those with good cause who have not applied immediately</p>	<p>X</p> <p>X</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p>	

--	--	--	--	--	--

**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

--

### Step 3 – deciding on the outcome

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>		<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>

Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination
-----------	--	--

Our Assessment team has agreed Outcome number(s)

Outcome 2
-----------

Why did you come to this decision?

<p>The team felt the policy should be adjusted as follows</p> <ul style="list-style-type: none"><li>• Paper application forms should be available for those who will struggle to complete an online form</li><li>• Capital limit reductions to be minimal. The group felt the capital limit was already very low and any further reduction would mean disabled customers would struggle to save for essential equipment. Other customers would be discouraged from saving and therefore reduce overall financial security for applicants</li><li>• Any reduction to the backdating period to remain minimal. The group felt this would particularly disadvantage those who may struggle to understand this rule such as certain disability groups and those where English is not a first language. It was also felt to unfairly disadvantage those who could show good cause for not having applied earlier, for example a customer who may have been hospitalised with a coma for several months.</li></ul>
--

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

#### Step 4 – equality action plan – setting targets and monitoring

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

## Equality action plan – setting targets and monitoring

What are we going to do to advance equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements

**Make sure you include these actions in your Directorate service business plans.**