

Assessing Equality – The Equality Act 2010

ANNEX M – EQUALITIES IMPACT ASSESSMENT FOR COUNCIL TAX SUPPORT SCHEME

INTRODUCTION

The Equality Act 2010 reminded all public authorities of their duty to have ‘due regard’ to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act:
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

Other legislation and practice has determined that we extend this to cover:

- Human Rights
- Socio Economic factors

The duty reminds us of the need to analyse the effect of existing and new policies and practices on equality.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation.

However, legal case law makes it clear that we must carry out the analysis **before making the relevant policy decision**.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

Once a Customer Impact Assessment (replacing our existing Equality Impact Assessment) has been completed there is no need to automatically carry out a new assessment each year. A review assessment has been put in place, and can be completed if there has been no change to the original policy, the way it's implemented and its customer impact.

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A SIMPLE GUIDE TO ASSESSING EQUALITY

What is Customer Impact Assessment (CIA)?

- CIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the following:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
 - Marriage and civil partnerships
 - Human Rights
 - Socio Economic factors

This means considering the above, as set out in the table below, in relation to a policy, practice or service, before a decision is made.

	Eliminating unlawful discrimination, harassment and victimisation	Advancing equality of opportunity between different groups	Fostering good relations between different groups
Disability			
Age			
Pregnancy and maternity			
Race			
Religion or belief			
Sex/ Gender			
Gender reassignment			
Sexual orientation			
Human Rights			
Socio Economic Factors			
Marriage and civil partnerships			

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- You are looking for opportunities to promote equality, and good relations between all groups as well as removing or mitigating negative or adverse impacts.
- Remember it might not be possible to remove all barriers to service or your policy or practice may have a negative impact on certain groups ... please note anything of this nature

Why is it important?

- Assessing equality issues helps us understand the needs of our customers, ensures our decisions meet those needs, and are also cost effective, and demonstratable.
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able us to show “*due regard*”, we need to show that consideration of [possible impact to the groups mentioned have taken place **prior** to a decision being made; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced, and that all our decisions can be defended if challenged.
- Documenting our equality analysis enables the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

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How can equality be assessed?

1. Gather information This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service 'hard to reach groups', customer satisfaction surveys, MOASIC data, consider relevance to equality



2. Assess impact Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table. NOTE: The quality of the assessment will depend on the quality of the information gathered



3. Take action This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination **MUST** be actioned immediately



4. Summarise your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality, the greater the level of detail required. Publish your findings



5. Monitor the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

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Customer Impact Review

Name and brief description of policy being analysed

Briefly summarise the policy including any key information such as aims, context etc; note timescales and milestones for new policies; use plain language – NO JARGON; refer to other documents if required

BACKGROUND

In its 2010 Spending Review the Coalition Government announced that it would localise support for Council tax from April 2013, and at the same time reduce expenditure by 10%. The Government published a “Statement of Intent” in May 2012; see <http://www.communities.gov.uk/documents/localgovernment/pdf/2146581.pdf> that explains the basis and rationale for this change.

In 2011 the Welfare Reform Bill was published (since passed into law) allowing for the current Council Tax Benefit (CTB) scheme to be abolished from 2013.

At present, CTB is governed by legislation set by the Department for Work and Pensions (DWP). District and Unitary Councils administer it alongside Housing Benefit (HB) with some single application and administrative process. CTB when granted, it is offset against peoples’ liability for Council Tax, reducing the amount they pay.

CTB is currently paid out by Councils, with the cost of it being reimbursed to them by the DWP. This system allows for fluctuations in demand, so if Councils give more CTB out, the DWP will reimburse the higher costs.

From April 2013, this system is changing. CTB is being “localised”. This means that there will no longer be a nationally governed CTB scheme. Councils will set their own schemes. CTB is being replaced by “Council Tax Support” or “CTS”. This is part of the Coalition’s wider policy of localisation, giving Councils increased financial autonomy and a greater stake in the economic future of their local area.

Pensioners will be protected under these new arrangements. CTS for them will continue to be subject to national controls. They will not have their CTS reduced by these changes.

The Coalition is also committed to ensuring that the most vulnerable in society are supported and it has advised Councils to take the needs of these groups into consideration when devising local schemes for CTS.

At the same time as this shift to local control and accountability, the amount of funding for CTS is being changed. It is moving from the current demand-led arrangements to a fixed budget allocation each year from April 2013.

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The headline reduction in funding is 10%. Recent advice from the Department for Communities and Local Government (CLG) has included a formula that explains how this reduction will apply in practice. It suggests that the reduction will be closer to 12% for Fenland.

As demand for CTB (to be CTS) is increasing year-on-year, we need to make budgetary provision for this over and above the funding that we will receive.

We currently award about £8.127 million in CTB (2012-13 figures). Taking into account the expected funding reduction and allowance for growth, we originally expected that the funding shortfall will be £1.4 million in 2013-14.

In order to meet this shortfall we need to consider ways to reduce the cost of providing CTS. This will potentially mean a reduction in the amount we pay out to residents of working age, who are not classed as vulnerable.

The CTS scheme proposed at Cabinet on 26 July 2012 proposed a scheme that would not impact adversely on the Council's finances, in that the reduction in funding would be handled by reducing the amount of CTS paid out so as to avoid the Council needing to cut expenditure across all services. Major precepting authorities were consulted and expressed opinions that they should not be burdened with any additional costs, meaning that the costs of not making reductions in CTS would not be covered by these precepting authorities.

In October, the Government announced transitional funding to help Councils reduce the effects of CTS. This additional funding, together with additional revenue that can be generated from removing certain Council Tax discounts in respect of unoccupied and second homes (as allowed in the Local Government Finance Act 2012, effective from April 2013) allows the Council to reduce the scale of the proposed reduction in CTS to working age people. Following the funding announcement, the funding shortfall reduced to £1.2 million and the Council still needs to fill this funding gap with a combination of reductions to CTS paid and raiding revenue from changes to Council Tax discounts and exemptions.

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APPROACH

CLG guidance suggests that Councils must consult with communities before making a final decision as to the shape of a Local CTB scheme and that this should be for a twelve week period. However it does say that Councils should make their own decisions as to the nature and length of their consultation.

We first consulted for ten weeks. Government guidance as set out in the Code of Practice for Consultation published in 2008 (see <http://www.bis.gov.uk/files/file47158.pdf>) that recommend twelve weeks but acknowledge that where timescales are tight this period can be shortened, as detailed below.

Following the announcement of transitional funding in October, our proposals were revised to make the reduction in CTS lower as a result. We consulted for a further four weeks, ending on 1 December 2012. Tight timescales required to analyse the results and then incorporate them into a report to a meeting of Council on 20 December 2012 limited the length of consultation possible.

SURVEY FORM

This is at the heart of the consultation. The form is best completed after information about the proposals has been read (this is available as detailed in “Consultation Methodology” below). The form asks for comments on the proposals and ideas for alternatives. It also asks if those completing it feel that they have been disadvantaged for being members of the protected groups highlighted in this template. It also allows us to understand if it is being completed by those receiving benefit, other interested residents or organisations that have an interest in the changes and how it affects the community.

The form was available to complete online, print off and complete, or as hard-copy. Hard-copy forms could be returned by post or handed in at our Fenland @ Your Service Shops.

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CONSULTATION METHODOLOGY

The community was consulted in a number of ways:-

1. Online – detailed information and online survey form at www.fenland.gov.uk/localcouniltaxbenefit
2. Shops – copies of all information available as hard-copy at our four Fenland @ Your Service Shops
3. Post – all customers likely to be directly affected being written to in September and November.
4. Face to Face – drop in sessions at each of our four Fenland @ Your Service Shops
5. Press – a series of press releases and articles in the leading local free newspaper is publicising the proposals
6. Customer groups – contacting organisations who may have an interest to give information and seek feedback
7. Members – giving briefing packs to all Fenland Councillors to aid them giving advice to and receiving feedback from residents
8. Extra help – customers can contact us in the normal way by phone, email, face to face and in writing with queries about the proposals

These approaches are explained in more detail below.

Online

Information about the proposal is prominently displayed on the front page of our website www.fenland.gov.uk

This links to further pages that explain the changes, the rationale for them, how people may be affected, how to give feedback (online, by printing off a form and returning it or explaining where to get a hard-copy form). It also advises where to go for help and advice about the changes.

Shops

We have four Fenland @ Your Service Shops. They are located in the four market towns in the District. They are all open at least three weekdays (9am to 4pm) and all are open on Saturdays (9am to noon). They are all easily and clearly accessible on main shopping streets in Town Centres.

All have posters drawing attention to the proposals. All the information shown online is available at the shops as hard-copy leaflets. All staff at our shops are able to explain the proposals to customers and offer benefits advice.

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Post

From the start of the consultation period to the introduction of the final scheme, we are writing to customers who we believe to be directly affected (this is worked out using modelling software that models the proposed changes across all benefits cases and identifies the likely change in benefits as a result for each customer). Before any customer may need to increase their Council Tax payments as a result of the final scheme that is introduced, we are contacting them as follows:-

- Early September 2012: Letter explaining the proposals, how to comment and estimated weekly increase in Council Tax,
- November 2012: A further letter explaining the revised proposals and their effects, together with a survey form,
- January 2013: Letter explaining final scheme, estimated effects, what to expect from us and how to get help,
- March 2013: 2013-14 Council Tax bills sent with new amounts to pay.
- April 2013: New amounts start being payable.

Face to Face

As well as having information and advice available at our four Fenland @ Your Service shops, we are held a drop-in session at each of them for two hours in September 2012. At these sessions we will have specialist benefits staff who can explain the changes in greater detail, give personal illustrations of the effects for customers receiving benefit now and also able to offer wider benefits checks to ensure that customers are claiming all benefits that they are entitled to. All feedback will be recorded and customers helped to complete survey forms.

Press

We are issuing regular press releases highlighting the changes and proposed scheme. These are being carried in the two local papers in Fenland. These are the Cambs Times /Wisbech Standard (one paper across the District with some pages adapted for more local coverage hence two separate titles) and the Fenland Citizen. As well as in print, both papers are carrying the same articles on their websites. We also have a weekly page in the Cambs Times /Wisbech Standard called "The Fenlander" that we are able to use to promote Council services, this is being regularly used to promote the changes and their potential effects.

Customer Groups

We contacted Housing Associations, the Citizens' Advice Bureau and voluntary groups in Fenland to give them further information about the proposals and invited them to discuss how they can work with us.

Members

Cabinet considered the first report on the proposals in July. In addition all 39 current Members have been given full briefing packs that include a copy of the report that went to Cabinet, explanatory leaflet about the proposals, sample questionnaire and FAQ document. They have also been given contact details for the Officer leading the project. Further updates have followed.

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Extra help

The proposals have a number of ways that concerned customers or any interested party can contact us for further information about the proposals. These are:-

- Email: We have a dedicated email address localcounciltaxbenefit@fenland.gov.uk for information,
- Letter: We can be contacted by post,
- Phone: We can be contacted on our normal number 01354-654321 where we can give advice and information,
- Face to Face: Customers can drop into one of our Fenland @ Your Service Shops for advice and information,
- On-line: Our website has prominently displayed information about the proposals and how to comment on them.

ANALYSING THE CONSULTATION FEEDBACK AND EFFECTS

We have analysed the feedback from both phases of our consultation and this has been incorporated into a report that has gone to Council for its meeting on 20 December 2012 where the Council's Council Tax Support Scheme will be determined.

Information used for customer analysis

Note relevant consultation; who took part and key findings; refer to, or attach other documents if needed; include dates where possible

There have been two phases of consultation:-

Ten weeks in August and September 2012

Four weeks in November 2012.

Examples of the survey forms, other documents given to customers and reports summarising the consultation responses as well as highlighting the types of issues raised; are all included in the report "Council Tax Support" and its annexes, which was considered by a meeting of Council on 20 December 2012. Further information about this is available at www.fenland.gov.uk

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Race	No	No	Yes	<p>Race is not a factor within the statutory CTS means test nor is it a factor singled out in the proposed scheme.</p> <p>Figures from the ONS as at mid-2009 show that the Fenland population is composed:- White – 94% Mixed – 1% Asian – 2% Black – 2% Chinese /Other – 1%</p> <p>Information about race is not collected during the assessment of CTS and it does not affect its assessment.</p>	No	<p>No mitigation is needed.</p> <p>The overall reduction in CTS proposed for all people regardless of their race.</p>

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Sex	No	No	Yes	<p>According to the ONSD, women on average earn 19.5% overall than men taking both full-time and part-time hourly rates into account, using 2011 figures see:- http://www.ons.gov.uk/ons/dcp171766_252474.pdf</p> <p>This means that if in work, they will often be paid less than men.</p> <p>Woman are often less able to work as a result of childcare responsibilities, although men are the primary carer in some cases.</p>	No	<p>No mitigation is needed.</p> <p>The overall reduction in CTS is proposed for all people regardless of their sex.</p> <p>There are no proposals to change applicable amounts and premiums for families with children and the current disregard for child care costs will not change.</p>

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Gender reassignment	No	No	Yes	None although there could be mental health issues during the gender reassignment process that mean that customers may be able to claim other disability related benefits that could boost their income at that time. It is also possible that they may not be able to work and therefore would be entitled to out of work benefits.	No	<p>No mitigation is needed.</p> <p>The overall reduction in CTS is proposed for all people regardless of their gender.</p>

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Disability	No	No	Yes	<p>These proposals will affect all working age customers who are disabled.</p> <p>1022 households (22% of working age) have a disabled member.</p>	No	<p>Consultation documents provide for disabled customers to identify themselves as a protected group and raise concerns that are disability related.</p> <p>Over 50 local voluntary groups have been consulted about the proposals and invited to both comment as well as talk to the Council face to face.</p> <p>We are offering meetings with local voluntary groups so that this group is properly represented.</p> <p>The questionnaire has information that will allow us to analyse results against each protected group. We will use our</p>

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						<p>Discretionary Housing Policy as a fund to offer additional Local CTS where there is an exceptional need.</p> <p>The current and proposed schemes build in additional premiums for those households with a disabled member which means that more of their income is not counted when we work out CTS. Our proposed scheme if not changing this.</p> <p>The additional Govt funding announced in October allows us to reduce the impact on all groups within the community, however funding is seriously restrained and we have reduced the cut in CTS as much as possible to fill the funding gap.</p>
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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Age	No	No	Yes	<p>These changes will affect all Working Age customers equally by the application of the 8.5% reduction in CTS paid after calculation.</p> <p>Customers of pensionable age (this is defined by legislation, and will change over time as the state retirement age changes upwards) will not be affected by these changes as the Government has specified that they must be protected.</p> <p>All information being published about the changes make reference to the changes only affecting working age customers.</p> <p>With a 10% funding cut and protection of pensioners, this means that a potential cut to working age customers would have been 20% but the additional Govt funding has allowed us to limit this reduction to 8.5%.</p>	No	<p>Three information letters are being sent to all working age customers detailing the changes, their effects and how to get advice about them. They will also include an explanatory leaflet. Letters will be written in plain language and make it clear how to get help and advice.</p> <p>Households with children and young adults at school will continue to be supported by Child Benefit and Child Maintenance being ignored in calculation of CTS.</p>

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Sexual orientation	No	No	Yes	<p>These changes will affect all Working Age customers equally by the application of the 8.5% reduction in CTS paid after calculation.</p> <p>Customers of pensionable age (this is defined by legislation, and will change over time as the state retirement age changes upwards) will not be affected by these changes as the Government has specified that they must be protected.</p> <p>All information being published about the changes make reference to the changes only affecting working age customers.</p>	No	None needed.

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Religion or belief	No	No	Yes	<p>The proposals will not adversely affect this group in addition to the base proposals. These changes will affect all Working Age customers equally by applying the 8.5% reduction in CTS paid after calculation.</p> <p>Customers of pensionable age (this is defined by legislation, and will change over time as the state retirement age changes upwards) will not be affected by these changes as the Govt has specified that they must be protected.</p> <p>All information being published about the changes make reference to the changes only affecting working age customers.</p>	No	Our shops are all open at least three days 9am to 4pm during the week as well as 9am to noon on Saturday. Our website is available 24/7 to give help and advice to customers.

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Pregnancy & maternity	No	No	Yes	<p>The proposals will not adversely affect this group in addition to the base proposals. These changes will affect all Working Age customers equally by applying the 8.5% reduction in CTS paid after calculation.</p> <p>Customers of pensionable age (this is defined by legislation, and will change over time as the state retirement age changes upwards) will not be affected by these changes as the Govt has specified that they must be protected.</p> <p>All information being published about the changes make reference to the changes only affecting working age customers.</p>	No	Applicable amounts and premiums for this group will be unchanged as will current levels of disregard for families with children.

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Marriage & civil partnership	No	No	Yes	<p>The proposals will not adversely affect this group in addition to the base proposals. These changes will affect all Working Age customers equally by applying the 8.5% reduction in CTS paid after calculation.</p> <p>Customers of pensionable age (this is defined by legislation, and will change over time as the state retirement age changes upwards) will not be affected by these changes as the Govt has specified that they must be protected.</p> <p>All information being published about the changes make reference to the changes only affecting working age customers.</p>	No	None needed.

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Human Rights	No	No	No	<p>These changes do not affect the Human Rights of customers any more than current CTS rules do.</p> <p>All relevant legislation has been produced by the Government including its own Equalities Impact Assessment process.</p> <p>The Council's scheme adopts the Government's default scheme with the addition of a reduction in working age CTS in order to balance its budget as a result of a reduction in funding.</p>	No	None required.

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Socio Economic	No	No	Yes	<p>These proposals affect the poorest members of the community as they are those in most need of benefits to help maintain their income at basic levels.</p> <p>Reducing CTS will mean that they will have to use part of their limited income to pay towards Council Tax.</p>	No	<p>The reductions are applied consistently to all Working Age customers.</p> <p>We will look at how we can offer longer and more convenient payment arrangements for those affected by these changes, whilst recognising that other groups not receiving CTS also may struggle to pay their Council Tax.</p> <p>We will help customers on a case by case basis and actively encourage them to come for help. We will work with the CAB, Housing Associations and voluntary groups to support people identified as needing help.</p>

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	Could particularly benefit	Neutral	May adversely impact	Impact	Is action possible or required?	Mitigation
Multiple/ Cross Cutting	No	No	Yes	As mentioned in this document.	No	This Equalities Impact Assessment considers the effects on all community groups that may be vulnerable with regards to equalities legislation.

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<p>Outcome(s) of customer analysis</p> <p>a) Will the policy/ procedure impact on the whole population of Fenland and/ or identified groups within the population; negative impact for several groups</p> <p>Adverse impact but continue</p>					
<p>Arrangements for future monitoring: Note when analysis will be reviewed; include any equality indicators and performance against those indicators</p> <p>This assessment will be reviewed once the changes to Council Tax have been implemented in April 2013, during the first year of operation of the new arrangements.</p>					
<p>Details of any data/ Research used (both FDC & Partners):</p>					
<p>Completed by:</p> <p>Name: Geoff Kent</p> <p>Position: Head of Customer Services</p>					
<p>Approved by (manager signature):</p> <p>Rob Bridge</p>				<p>Date published: This should be the date the analysis was published on the website This assessment will be published as part of papers for the meeting of Council on 20/12/12.</p>	
<p>Details of any Committee approved by (if applicable):</p>				<p>Date endorsed by Members if applicable:</p>	