



Derby City Council

Appendix

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**

Date of assessment: 6 October 2016

Signed off by: John Massey / Martyn Marples

**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

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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?

Council Tax Support Scheme

The assessment team

Team leader's name and job title – John Massey, Head of Revenues, Benefits and Exchequer Services
Dawn Hallsworth, Welfare Reform Transition Manager

Other team members
Martyn Marples, Director of Finance

Name	Job title	Organisation	Area of expertise
Dawn Hallsworth	Welfare Reform Transition Manager	DCC	Welfare reform
John Massey	Head of Revenues, Benefits and Exchequer Services	DCC	
Martyn Marples	Director of Finance	DCC	
Kathie Anderson	Change Manager	DCC – Customer Management	
Tim Price	Casework supervisor	DCC – Derby Advice	Welfare Advice
Judi Bateman		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.**

Proposals have been put forward to amend the Council Tax Support Scheme (hereafter referred to as CTS) from 1st April 2017.

The current Scheme is available for working age people who need financial assistance/support to pay their Council Tax.

The Council wants to consider aligning some of the CTS with the national Housing Benefit Scheme and explore the possibility for financial efficiencies within a revised CTS Scheme.

The Council will strive to ensure that the best interests of its residents remain at the forefront of its decision-making.

The proposals in the consultation are as follows:

Proposal	Explanation of what the proposal means
1.To increase the minimum contribution that all CTS claimants have to pay towards their Council Tax, from 20% to either 25%, 30% or 35%	This would affect all working age CTS claimants, which is about 12,383 households. Making this change would alter the CTS calculation for every working age claimant; everyone would receive less CTS regardless of their circumstances.
2.To increase the minimum contribution so that some CTS claimants pay less than everyone else, depending on their circumstances.	The proposed options for groups of people to have a lower rate are: disabled people, all families, or low income families.
3.To restrict CTS awards to Council Tax Band A	When working out a claimant's CTS entitlement, we would treat CTS claimants in Bands B to H as though they were in a Band A property, to reduce the amount of support they could receive. This would affect about 2,095 households.
4.To reduce the capital limit from £6,000 to either £3,000, £2,000 or £1,000	Currently if CTS claimants or their partners have capital of £6,000 and over they will not receive CTS. Capital includes money, savings, investments, and property other than your own home, in this country or abroad.
5.To increase the amount of the minimum award that can be paid from £4 a week to either £5 or £6 a week	If the limit increased to £5 a week it would affect about 449 households. If the limit changed to £6 a week it would affect about 584 households.
6.To use the Housing Benefit (HB) rules for non-dependents (other adults living in the household).	Based on 2016/17 HB rules and deductions, no CTS claimants who currently have a deduction made from their award due to having a non-dependent in their household would receive CTS from 2017/18. This would affect about 734 households.
7.To use the HB rules (as with number 6 above) but using a smaller standard deduction for non-dependents with income of less than £100 a week – proposals are £3, £4, £5 or £6	This change would affect about 1,463 households, including where the non-dependent is on a passport benefit such as Job Seeker's, Employment and Support Allowance and Income Support.
8.To change the rules so that most people who are temporarily absent from their homes because they have left Great Britain for more than four weeks, would no longer receive CTS	This change was made in the HB Scheme from 28 July 2016 – it is proposed that the CTS Scheme mirrors these changes.
9.To remove the family premium from the CTS calculation	The family premium allows more CTS to be awarded to families who are entitled to CTS.
10.To reduce the maximum period of time that CTS can be backdated for from three months to one month	This would change the rules to match the HB Scheme
11.To provide temporary protection for some or all CTS claimants from some or all of the proposed changes to the Scheme for 2017/18	Suggestions for protected groups are: disabled people, all families, certain low income families, or all claimants

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

Benefits Service led by John Massey, Head of Service. The consultation is being actioned by colleagues with Customer Management and the Benefits Service.

As our major preceptors, Derbyshire Police and Crime Commissioner and Derbyshire Fire and Rescue service have been consulted before the public consultation began.

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

It is anticipated that the likely customers affected will be:

All council tax payers in the City will be affected indirectly and within that group the current CTS working age claimants are likely to be directly affect. This is estimated to be in the region of 12,383 claimants (as at 9 June 2016).

It is believed that those with a disability, age and pregnancy and maternity may be the key cohorts affected by any proposals to be consulted upon. However this will be reviewed continuously throughout the project.

Advice and welfare organisations may also be affected by this proposal , together with our major preceptors (Derbyshire Fire and Rescue Service and Derbyshire Police and Crime Commissioner)

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.**

We will actively seek the views of
Diversity Forum;
Derby Advice;
Customer Management

In order to ensure full access to the consultation a wider communications plan has been established to ensure awareness raising.

The consultation is online supported by a written form and an easy read form.

- 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
Age	Under 18's are not liable to pay Council Tax so won't be considered as part of this scheme. Pensioners are excluded from these changes	X			

		X			
Disability	<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>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>The proposal to limit CTS to band A levels may disadvantage disabled customers who are less able to move to a lower band property due to property adaptations or the need for carer space</p> <p>Reducing the % of minimum contribution for disabled customers</p> <p>Would like to see a paper application being available on request, especially for people with learning disabilities and those for whom English is not the first language.</p>		X	X	X
Gender reassignment - trans	N/A				
Marriage and civil partnership	N/A				
Pregnancy and maternity	The proposed reduction in capital limits may disadvantage those who need to save up			X	

	and plan for a baby				
Race	<p>Customers who do not have English as a first language may struggle with understanding a shorter backdating period</p> <p>Reducing the period for temporary absence from Great Britain to 4 weeks may disadvantage those who may wish to visit family abroad for longer than 4 weeks</p> <p>Would like to see a paper application being available on request, especially for people with learning disabilities and those for whom English is not the first language.</p>			<p>x</p> <p>x</p>	
Religion or belief or none					
Sex	N/A				
Sexual Orientation	N/A				
Families and people on low income	<p>Any increase in non-dependent deductions – (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>The reduction in the backdating period may disadvantage those with good cause who have not applied immediately</p> <p>Reducing capital limits may</p> <ul style="list-style-type: none"> discourage saving and therefore decrease financial security May impact other council service provision such as personal budgets for social care as 		<p>x</p>	<p>X</p> <p>x</p> <p>x</p>	

	customers will have lower capital amounts				
	Reducing the % of minimum contributions for Families			X	
	Increasing the amount of minimum award will exclude more customers from any award of CTS			X	
	Removing the family premium will reduce the amount of CTS awarded to Families				

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?**

Consideration will be given to some transitional protection for key groups likely to be affected.

All groups will be actively encouraged to participate in the planned consultation and the Communication strategy will initially focus on awareness raising of the consultation process timetable and how to participate.

Views are being sought from the Diversity Forum as to how potential negative impacts could be mitigated.

Council Tax Hardship fund could be considered as a short term mitigation option but this would need to be further explored as the project progresses.

Providing the CTS claim service solely online is not the subject of this EIA. However, it should be noted that there are public computers available at the Council House and libraries around the City for those who cannot get online at home. The online claim form is easy to use, usually quicker than filling in a paper form and is potentially able to speed up how quickly claimants receive their awards.

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?

Outcome 1		No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2	X	Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3		Continue the policy 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">• sufficient plans to stop or minimise the negative impact• mitigating actions for any remaining negative impacts• plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows

		actual or potential unlawful discrimination
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Our Assessment team has agreed Outcome number(s)

Outcome 2

Why did you come to this decision?

The team felt the policy should be adjusted as follows

- 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
- 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.
- To minimise the increased minimum contribution for disabled people and families

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
Monitor the impact of the changes made to the Policy	We will monitor the impact on the Council Tax collection rate. Interventions and safeguards for some CTS claimants who receive the maximum amount of CTS available under the Council's scheme is set out in the Council's Council Tax Recovery Policy and includes assistance from the Council's Welfare Reform team.	At least once a month	The Collection Strategy and Council Tax Recovery Policy will be reviewed regularly to ensure they continue to be relevant and take into account any changes to procedures deemed to be necessary.	Local Taxation Manager	Reporting to Head of Revenues, Benefits and Exchequer Services.

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