

## **Appendix II [Equality Impact Assessment]**

# Community Impact Assessment

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

## **When to assess**

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

## **Public sector equality duty**

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate discrimination, harassment and victimisation;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

## **Protected characteristics**

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

**We also ask you to consider other socially excluded groups**, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes; this may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

## **Due regard**

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

## **Collecting and using equality information**

The Equalities and Human Rights Commissions (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of

decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made. There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <http://www.neighbourhood.statistics.gov.uk>
- Swale in 2011 [http://issuu.com/swale-council/docs/key\\_data\\_for\\_swale](http://issuu.com/swale-council/docs/key_data_for_swale)
- Kent County Council Research and Intelligence Unit [http://www.kent.gov.uk/your\\_council/kent\\_facts\\_and\\_figures.aspx](http://www.kent.gov.uk/your_council/kent_facts_and_figures.aspx)
- Health and Social Care maps <http://www.kmpho.nhs.uk/health-and-social-care-maps/swale/>

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

### **Case law principles**

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Examples of case law can be found here [EHRC relevant case law](#). They include examples of why assessing the impact **before** the decision is made is so important and case law around the need to have due regard to the duty

<b>Lead officer:</b>	Zoe Kent
<b>Decision maker:</b>	Council
<b>People involved:</b>	Zoe Kent
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	<ul style="list-style-type: none"> <li>• This is a localised scheme that the Borough is required to put in place to give financial assistance towards Council Tax to those residents on a low income.</li> <li>• The Council is required to review this scheme each year and to either maintain or replace the scheme before 11 March of the any financial year.</li> </ul>
<b>Date of decision:</b> The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	18 January 2023
<b>Summary of the decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<b>What are the aims and objectives?</b> <ol style="list-style-type: none"> <li>1. To provide support to low income working age households in respect of their Council Tax</li> <li>2. In the case of pension age applicants, the scheme provides support in line with the Governments Prescribed Requirements as laid down by the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended.</li> </ol> <b>What are the key actions?</b> <ul style="list-style-type: none"> <li>• Providing a scheme that supports those claimants on a low income</li> <li>• Putting into place a scheme that does place an onerous financial burden on the authority which could put other services provided by the Borough at risk.</li> <li>• Continuing to design and deliver services to meet the needs of vulnerable customers</li> <li>• Consider user feedback, engagement and consultation when designing the scheme</li> </ul> <b>What are the expected outcomes?</b> <p>To put in place a scheme that balances the needs of low income applicants for Council Tax Reduction against the budget requirements of the Borough.</p> <b>Who will be affected?</b> <p>Working age residents who are on a low income who apply for help towards their Council Tax. This covers all areas of the Borough but particularly those who live in deprived areas.</p> <b>How many people will be affected?</b> <p>6,063 working age claimants will be affected by the changes to the scheme (9.21% of all Council Tax account holders).</p>

**Information and research:**

- Outline the information and research that has informed the decision.
- Include sources and key findings.
- Include information on how the decision will affect people with different protected characteristics.

The Council is required to review its Council Tax Reduction scheme for working age each year. The Council is keen to consider altering the current scheme for several reasons:

- The cost of administering the scheme is increasing. This is primarily due to inbuilt complexities in the current scheme – for example every time an applicant’s income changes, their case must be reassessed, and their award must be reprofiled.
- Universal Credit (UC) is undoubtedly a contributing factor to this, especially for claimants who are in employment. Applicant’s’ UC is recalculated every month which can generate new files for the council to process. For applicants receiving fluctuating wages, this means they receive a revised award every month and, therefore, a revised council tax bill, which is costly to administer and deliver.
- This reprofiling of payments also creates a high level of uncertainty for customers. Payments made by customers can be delayed because of the requirement to give 14 days’ notice, meaning customers do not have the opportunity to apportion their remaining council tax payments over as many instalments. On average 40% of UC claimants have between eight and twelve changes in entitlement each year. These changes result in amendments to council tax bills, the re-calculation of instalments, delays, and resetting of recovery arrangements.
- Universal Credit claimants often fail to claim Council Tax Reduction because of the belief that they have claimed it as part of the UC process, leading to a loss of financial support to those most in need.
- The administration of the current scheme is complex, with staff having to request significant amounts of information from applicants. This means the timescales for processing applications is lengthy, mainly due to the complexity and evidence required to support the applications. A simplified scheme will allow the possibilities of awards being automated, resulting in a prompt award of support, so meeting customers’ need for real-time changes to their bill according to changes in their circumstances.
- Above all, the cost of administering the scheme remains high, whilst customer satisfaction is reducing as customers are often confused by the nature and regularity of correspondence they receive and are less able to budget/manage their money based on fluctuating awards.

In view these issues, it is proposed that an alternative approach be adopted from 1 April 2023. The approach has been to fundamentally redesign the scheme to address the issues with the current scheme, in particular:

- The targeting of support available to the poorest households;
- The customer experience;
- The problems with the introduction of full-service Universal Credit;

- The significant increase in administration costs due to the high level of changes received in respect of Universal Credit.

### **Scope of the Community Impact Assessment**

The following identifies the potential impact on working age applicants and particularly groups of applicants.

It should be noted that pension age applicants will continue to be protected under the rules prescribed by Central Government. These broadly replicate the council tax benefit scheme, which existed prior to 1 April 2013.

In relation to equalities, Central Government has not been prescriptive in how it does this, but points to the Council's existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986, and the Housing Act 1996, as well as the public sector equality duty in section 149 of the Equality Act 2010.

The Council has given consideration to the effects of the options on working age applicants, in particular, vulnerable groups.

### **Disability**

Working age applicants with disabilities continue to make up a high proportion of the caseload at 11%. Working age applicants with disabilities will in the main be treated more favourably than other working age applicants on the basis that:

- Disability benefits will be disregarded in the assessment of weekly income; and
- Further disregards will be granted in line with the amounts that would have been granted as premiums under the current scheme.

### **Age**

The proposed changes affect working age households only and pension age applicants will continue to receive support under the Government's prescribed scheme.

### **Carers**

There is a higher proportion of applicants with a carer in the household, than the population generally overall (16%).

Working age applicants with a carer in the household will be treated more favourably within the scheme, on the basis that both they and any disabled persons being carers for will have amounts disregarded from their income when calculating the level of Council Tax Reduction.

### **Gender**

Females continue to make up a high proportion of the caseload at 63%. Although, there is a difference between the average amounts females and males receive per week, this is due to factors relating to circumstances which directly affect the calculation of council tax reduction, and is not linked to a applicant's sex directly.

**Ethnicity**  
The proposed scheme makes no reference to ethnicity and treats all working age applicants equally.

**Other protected characteristics**  
The proposed scheme makes no reference to the following protected characteristics and treats all working age applicants equally.

- Religion or belief
- Sexual orientation
- Gender reassignment
- Marital or civil partnership status
- Pregnancy or maternity

**Actions to mitigate any identified impacts**  
The Council has an Exceptional Hardship Scheme; the design of this allows any applicant to apply for additional support. It examines their overall circumstances, examining both income and expenditure with a view to determining whether exceptional hardship exists.  
Under the scheme, applicants will potentially be able to receive additional support up to the full level of their Council Tax.

**Consultation:**

- Has there been specific consultation on this decision?
- What were the results of the consultation?

Yes, in line with statutory requirements.

The major preceptors were consulted on the changes to the scheme. No comments were received from any of the major preceptors against the changes to the scheme.

The results of the public consultation can be found in:

- Appendix I: Consultation with the public

A full analysis is provided in the appendices.

In the case of all consultees, there was an overwhelming agreement to change the scheme.

In relation to the public consultation the following results were achieved:

Question	Yes %	No %	Don't know %
The introduction of an Income Grid scheme to replace the current scheme for all applicants of working age?	74.18	7.69	18.13
Changing the Non-Dependant deductions.	69.14	11.11	19.75
To replace the current earnings disregards and replace them with a standard £25 per week disregard irrespective of the number of hours worked	73.72	8.33	17.95

		To provide additional income disregards for the disabled and carers	88.96	4.55	6.49
		The scheme will disregard certain crisis payments paid to taxpayers (Local Welfare Provision)	90.26	1.30	8.44
<ul style="list-style-type: none"> <li>▪ Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>▪ Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>Those with a protected characteristic continue to be protected under the scheme.</p> <p>The scheme will continue to protect working age applicants who are disabled, have disabled partners or children or who are carers.</p> <p>Other protected characteristics such as:</p> <ul style="list-style-type: none"> <li>▪ Religion or belief;</li> <li>▪ Sexual orientation;</li> <li>▪ Gender reassignment;</li> <li>▪ Marital or civil partnership status; or</li> <li>▪ Pregnancy or maternity</li> </ul> <p>Are not affected by the changes or the scheme in general.</p>				

### Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's [PSED Technical Guidance](#).

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

### Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	Medium	Neutral
Disability	Medium	Neutral
Gender reassignment	None	Neutral



Marriage and civil partnership	None	Neutral
Pregnancy and maternity	None	Neutral
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups <sup>1</sup>	Low	Negative

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see <a href="#">PSED Technical Guidance</a>).</li> </ul> <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p><b>Summarise this conclusion in the body of your report</b></p> <p>We have considered how all groups with protected characteristics will be affected by the scheme. As part of our consultation, we asked responders their gender, age ethnicity, whether they considered themselves disabled and whether they claimed Council Tax Reduction.</p> <p>A breakdown of how they responded to the options is available in Appendix II</p> <p>As the Council continues to provide the same maximum level of support, notwithstanding the change in scheme design, the adverse impact on individuals is relatively small</p> <p>This position is clearly supported by a majority of consultation responses, including those from current Council Tax Reduction recipients.</p>
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## Timing

- Having 'due regard' is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.
- The completion of the CIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed CIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed CIA.

**Full technical guidance on the public sector equality duty can be found at:**

[http://www.equalityhumanrights.com/uploaded\\_files/PSD/technical\\_guidance\\_on\\_the\\_public\\_sector\\_equality\\_duty\\_england.pdf](http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf)

**This Community Impact Assessment should be attached to any committee or SMT report relating to the decision. This CIA should be sent to the Website Officer (Lindsay Oldfield) once completed, so that it can be published on the website.**

<sup>1</sup> Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services

## Action Plan

<b>Issue</b>	<b>Action</b>	<b>Due date</b>	<b>Lead Officer</b>	<b>Manager</b>	<b>Lead Member</b>
Review of new scheme	The Council will continue to review the scheme throughout 2023/24	2023/24	Zoe Kent	Lisa Fillery	Cllr. Baldock

Actions in this action plan will be reported to the CIA group once a quarter, so updates will be required quarterly.