

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
- Kent County Council Research and Intelligence Unit 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

Lead officer:	<i>Zoe Kent</i>
Decision maker:	<i>Council</i>
People involved:	<i>Revenues and Benefits Service, Housing Options</i>
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<ul style="list-style-type: none"> • <i>Discretionary Housing Payment (DHP) Policy</i> • <i>The policy is being reviewed</i>
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	<i>The policy will be going to Council in September 2015</i>
Summary of the decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p><i>The DHP policy aims to:</i></p> <ol style="list-style-type: none"> <i>1. To ensure the extra funding from the DWP is used effectively and is awarded appropriately</i> <i>2. To help people to be housed appropriately</i> <i>3. Support vulnerable people</i> <i>4. Tackle disadvantage and improve quality of life</i> <p><i>What are the key actions?</i></p> <ul style="list-style-type: none"> • <i>Ensuring the policy covers all areas of the community who may require access to a DHP payment</i> • <i>Reviewing and recommending how best to deliver the DHP budget</i> • <i>Ensuring the policy is covering all groups who may be vulnerable appropriately.</i> • <i>Expanding user feedback, engagement and consultation</i> <p><i>What are the expected outcomes?</i> <i>The policy should ensure that the DHP budget is delivered to those most in need of extra help towards their housing costs. It should also help people on low incomes to move to appropriate housing.</i></p> <p><i>Who will be affected?</i> <i>Any resident of Swale who claims Housing Benefit who has a shortfall between their rent and their Housing Benefit is able to put in a claim for a DHP payment. The claim is means tested against their income and expenditure.</i></p> <p><i>How many people will be affected? There are currently 10,500 Housing Benefit claimants in Swale. Around 5,000 people receive Housing Benefit but pay something towards their rent.</i></p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people 	<p><i>What research have you undertaken during the process of writing the policy?</i></p> <p><i>Researching other DHP policies</i> <i>Consulting with claimants, landlords, partners and the local voluntary sector.</i></p> <p><i>Many Housing Benefit claimants with different characteristics for</i></p>

with different protected characteristics.	<i>example people with disabilities or lone parents may have higher living expenses because of their different characteristics. However, the benefit system is set up to ensure those with higher needs should also receive more help in a higher level of benefits, for example Disability Living Allowance/ Personal Independence Payments or Child Tax Credits to help towards the higher living costs. This can mean that a single person with no protected characteristics could have less income to use towards rent expenditure than a person with protected characteristics.</i>
<p>Consultation:</p> <ul style="list-style-type: none"> • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p><i>A consultation was carried out between January and March 2015, the consultation asked respondents to rank various conditions for awarding a DHP payment. Disappointingly only 8 people responded to the consultation, a link was sent out with all Housing Benefit correspondence issued during the period of the consultation, it was promoted on our website, during Housing Benefit interviews and through all our major stakeholders such as landlords, CAB and Age UK. In excess of 5,000 letters would have been issued during the period of the consultation promoting the link.</i></p> <p><i>Of those that responded 5 answered that they felt that all vulnerable groups should be treated equally. Of the three that answered no, each one chose a different group that they felt should receive more help, namely people who are disabled, carers and single claimants with no children who are under 35 who receive a lower amount of Housing Benefit.</i></p> <p><i>As so few people responded we are unable to analyse whether those with different protected characteristics have different views concerning the policy. We are also unable to draw any conclusions from the responses on how the policy could affect those people with different protected characteristics.</i></p> <p><i>A copy of all responses can be found in Appendix III DHP survey summary.</i></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	None	Neutral
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral

Pregnancy and maternity	Medium	Neutral
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups ¹		

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see PSED Technical Guidance). <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p>Summarise this conclusion in the body of your report</p> <p>In the writing of this policy we have considered whether we are giving more due regard to one group with protected characteristics over another. As the policy is advising that claims should be considered on a person's income and expenditure those who fall into some protected characteristics may have higher income and also higher expenditure. Each claim will be treated individually on its own merits and circumstances. Those who do not receive extra income because of a protected characteristic may be assessed as needing a higher DHP payment however consideration will also be given as to whether their ability to move to cheaper accommodation or find employment is higher so a DHP may not be awarded for such a long period.</p>
---	---

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

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.

¹ 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

Issue	Action	Due date	Lead Officer	Manager	Cabinet Member

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