

EQUALITY IMPACT ASSESSMENT Part 1 & 2 – pro-forma

Directorate	Resources	Service Finance and Welfare	Assessment carried out by	Chris Watchman
Area being assessed	Council Tax Reduction Scheme 2018/19	Date of Assessment	05 .10.17	Is this a new or existing service/policy? Existing

**PART 1 – INITIAL ASSESSMENT**

1. What is the aim/objective of the area being assessed?	<p>The Local Government Finance Act (2012) (LGFA) required councils to decide a local Council Tax Reduction Scheme (CTR) to replace the abolished national Council Tax Benefit scheme. The Scheme had to be decided by 31 January 2013 and it took effect on 1<sup>st</sup> April 2013. Councils in East Sussex decided on a common scheme to minimise the effect on residents in Year 1 of the new regulations.</p> <p>This EIA relates to the CTR scheme for 2018/19) which will be decided by Council at its meeting on 18 December 2017 and which is therefore currently in draft form.</p> <p>The LGFA (Schedule 4) requires that for each financial year authorities must consider whether to revise or replace its scheme. Authorities must do this by 31<sup>st</sup> January, with any revised or replacement scheme taking effect from 1<sup>st</sup> April of the next financial year. In addition, if any revision to the scheme or any replacement scheme has the effect of reducing or removing a reduction to Council Tax, the revision or replacement must include transitional provision.</p> <p>The LGFA specifies that before adopting a scheme, the authority must, in the following order:</p> <ol style="list-style-type: none"> <li>Consult any major precepting authority (East Sussex County Council, the Sussex Police and Crime Commissioner and East Sussex Fire Authority)</li> <li>Publish a draft scheme</li> <li>Consult other persons as it considers are likely to have an interest in the operation of the scheme.</li> </ol> <p>East Sussex authorities have sought legal counsel's opinion on whether consultation is required if the 2016 scheme were to apply for the year 2018/19. Counsel's opinion was clear: if the scheme were to be modified or replaced for 2018/19, consultation would have to take place.</p> <p>The proposed scheme being put before Council on 18 December is identical to the scheme for 2016/17 &amp; 2017/18 apart from any references to new legislation or guidance since issued by the Government. The scheme provides for an uprating to living allowances (applicable amounts) and premiums for working age applicants in line with the Housing Benefit Regulations 2006, as amended however the uprating itself does not constitute an amendment to the scheme, as the scheme itself makes this provision. The amount of any uprating will be included in the scheme after the Department for Work and Pensions has put proposed legislation before Parliament in December 2017. Council will be asked to delegate the setting of these amounts in the Scheme to Officers; however, any new amounts will be in line with the housing benefit uprating. All working age applicants will be affected by the uprating.</p> <p>This EIA has been produced ahead of the publication and adoption of the scheme by full Council to ensure that the Council will meet its requirements under the Equality Act 2010.</p>
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<p><b>2. Who is intended to benefit from it and how?</b></p>	<p>In 2012, the Government stated that council tax support for older people would not be reduced as a result of the introduction of local CTR schemes and it legislated to this effect. The legislation has not been amended to enable councils to change their schemes for those persons over state Pension Credit age; therefore pensioners will continue to receive support for their council tax at prescribed levels by Government.</p> <p>The Council's CTR scheme 2018/19 for working age applicants complies with the CTR Schemes (Prescribed Requirements) Regulations 2012 and is largely based on the system prior to April 2013. However it does contain some additional and amended entitlement criteria which effectively reduce the level at which CTR can be awarded.</p> <p>.</p> <p>The scheme:</p> <ul style="list-style-type: none"> <li>• Reducing the maximum levels of support available by 20%</li> <li>• Sets a Minimum Income Floor for Self Employed Persons</li> </ul> <p>The Government has said that all Council Tax Reduction (CTRS) schemes need to include consideration of vulnerable groups but has not been prescriptive about how this should be done or specified who might be considered vulnerable. It is up to each council to decide, however the Government draws councils' attention to existing responsibilities under the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996, as well as the public sector duties in section 149 of the Equality Act 2010.</p>
<p><b>3. If your service uses contractors, do you ensure that they comply with the Council's equal opportunities policy and relevant legislation?</b></p>	<p>The service occasionally uses temporary staff /contractors and they are bound by the Council's policies and legislation.</p>

<p><b>4. Do you know who your service users are by age/ race/ disability/gender etc?</b> (This could be obtained from results of recent consultation or surveys, equality monitoring data, demographic and other statistics).</p>	<p>Information is available from a number of sources – East Sussex in Figures (ESIF), the Department of Work and Pensions (DWP), our published equality monitoring results and from the benefits database.</p> <p>Information held on the database is limited to that needed to process a claim for either housing benefit, CTR or both. The age of claimants and their gender can be obtained but not their race or details of their disability. For example it is enough to know that a claimant qualifies for a disability premium in order to award benefit. (Premiums are used in the calculation of benefit).</p> <p>The equality monitoring results provide information on the % of benefit claimants surveyed. These will be people claiming housing benefit, council tax reduction or both.</p> <p>There are 44,879 occupied dwellings in the Rother District (at October 17). The total number of CTR claimants in October 2017 was 6,115 of whom 2,703 are of working age and 3412 are pensioners. In percentage terms, 13.62% of households in Rother are claiming council tax reduction and of these claimants, 44.20% are of working age.</p>
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<p><b>4. a)</b> How are service user's views gathered? (This could be through results of recent consultations or surveys, information from groups and agencies directly in touch with particular groups or analysis of complaints)</p> <p><b>b)</b> How do you use this information?</p> <p><b>c)</b> Do you publish the results, and where?</p>	<p>A full consultation exercise took place on options for inclusion in the scheme for the year 2016/17. There is no legal requirement to consult before Council decides a scheme unless the scheme is amending or replacing the existing scheme. The 2018/19 scheme is neither an amended or replacement scheme; therefore it is not necessary to carry out a consultation exercise.</p> <p>(The EIA for the 2016/17 scheme and the report to Council for its meeting on 14th December 2015 gives detailed information on the results of the consultation for that scheme).</p>
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<b>5.</b> Could the area being assessed have a differential impact on racial groups?	<b>YES</b>	<p>The CTR scheme does not preclude people from receiving support based on their race. Under the scheme, entitlement is solely based on the applicant's income, household composition and liability to pay Council Tax. However, large or multi-generational households could be more affected by the reduction in the maximum levels of support available as they are more likely to be living in larger properties which have a higher Council Tax.</p> <p>The table below shows the breakdown of Rother residents according to race. This information has been taken from East Sussex in Figures dataset: Ethnic group statistics, 2011 districts.</p> <table><tr><th></th><th>Rother</th><th>East Sussex</th><th>England (000)</th></tr><tr><td>All people</td><td>90,588</td><td>526,671</td><td>56,075,912</td></tr><tr><td>All white</td><td>97.1%</td><td>96%</td><td>86%</td></tr><tr><td>All mixed</td><td>1.1%</td><td>1.4%</td><td>2.2%</td></tr><tr><td>All Asian or Asian British</td><td>1.2%</td><td>1.7%</td><td>7.5%</td></tr><tr><td>All Black or Black British</td><td>0.3%</td><td>0.6%</td><td>3.3%</td></tr><tr><td>Other ethnic group</td><td>0.2%</td><td>0.3%</td><td>1.0%</td></tr></table> <p>The following table shows the breakdown of benefit claimants who completed an Equality Monitoring Form during the year 2016/17.</p> <table><tr><td>British</td><td>89.6%</td></tr><tr><td>White/black African</td><td>0.5%</td></tr><tr><td>Irish</td><td>1.4%</td></tr><tr><td>Other white background</td><td>4.2%</td></tr><tr><td>Other</td><td>2.00%</td></tr><tr><td>White/black Caribbean</td><td>0.7%</td></tr><tr><td>Asian background</td><td>1.60%</td></tr></table>		Rother	East Sussex	England (000)	All people	90,588	526,671	56,075,912	All white	97.1%	96%	86%	All mixed	1.1%	1.4%	2.2%	All Asian or Asian British	1.2%	1.7%	7.5%	All Black or Black British	0.3%	0.6%	3.3%	Other ethnic group	0.2%	0.3%	1.0%	British	89.6%	White/black African	0.5%	Irish	1.4%	Other white background	4.2%	Other	2.00%	White/black Caribbean	0.7%	Asian background	1.60%
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<b>6.</b> Could the area being assessed have a differential impact on people due to their gender?	<b>NO</b>	<p>Data from the Equality Monitoring results 2016/17 shows that: 66% of benefit claimants are female and 34% are male</p> <p>The gender of the applicant is irrelevant when deciding an application for and making an award of CTR.</p>																																										

<p><b>7.</b> Could the area being assessed have a differential impact on people due to their disability?</p>	<p><b>YES</b></p>	<p>Data from the Equality Monitoring results 2016/17 shows that: 74% of Benefit claimants do not consider themselves to be disabled and 26% do. This data is from all ages of benefit claimant.</p> <p>The benefits database as at October 2017 for working age CTR applicants shows that: 1311 claimants have a severe disability premium in the calculation of their council tax reduction, 250 have a disability premium, 188 have a disabled child premium and 945 have an enhanced disability premium included. It should be noted that entitlement can be based on more than one premium being included in the calculation.</p> <p>The Council's 2018/19 CTR scheme does not change the calculation of entitlement in respect of premiums therefore no additional applicants will be adversely affected.</p> <p>The nature of the claimant's disability is not relevant in order to calculate entitlement to CTR but an applicant with a disability related premium in the calculation of CTR <i>may</i> receive more CTR. In these cases, any impact in respect of premiums would be positive. This does not necessarily mean the applicant will receive more support than an applicant whose award does not include a disability premium as the calculation could include deductions for non-dependant(s) which could reduce entitlement.</p>
<p><b>8.</b> Could the area being assessed have a differential impact on people due to their sexual orientation?</p>	<p><b>NO</b></p>	<p>Data from the Equality Monitoring results 2016/17 shows that: 98% of benefit claimants consider themselves to be Heterosexual, 1% Lesbian or Gay and 1% Bisexual.</p> <p>However the proposed CTRS does not exclude claimants on the basis of their sexual orientation.</p>
<p><b>9.</b> Could the area being assessed have a differential impact on people due to their age?</p>	<p><b>YES</b></p>	<p>6,115 people are claiming Council Tax Reduction in Rother (October 16) of these 2,703 (44.20%) are of working age.</p> <p>The scheme for pensioner applicants is set in legislation – the Council has no discretion to amend or replace that scheme. Although both working age and pensioner applicants will apply to the Council for help under the Council's scheme, the scheme for pensioners is more financially generous as they are not subject to the proposed changes highlighted in section 2.</p>

<p><b>10.</b> Could the area being assessed have a differential impact on people due to their religious or other belief?</p>		<p><b>NO</b></p>	<p>The Council's CTR scheme does not preclude people from receiving support based on their religious belief. Under the scheme, entitlement is solely based on the applicant's income, household composition and liability to pay council tax</p> <p>However, large or multi-generational households could be more affected by the reduction in the maximum levels of support available as they are more likely to be living in larger properties which have a higher Council Tax.</p> <p>The table below provides a breakdown of religious beliefs by population:</p> <table border="1" data-bbox="898 435 1771 858"> <thead> <tr> <th></th><th><b>Rother</b></th><th><b>East Sussex</b></th><th><b>England (000)</b></th></tr> </thead> <tbody> <tr> <td>All people</td><td>90,588</td><td>526,671</td><td>56,075,912</td></tr> <tr> <td>Christian</td><td>64.8%</td><td>59.9%</td><td>59.3%</td></tr> <tr> <td>Buddhist</td><td>0.3%</td><td>0.4%</td><td>0.4%</td></tr> <tr> <td>Hindu</td><td>0.2%</td><td>0.3%</td><td>1.5%</td></tr> <tr> <td>Jewish</td><td>0.2%</td><td>0.2%</td><td>0.5%</td></tr> <tr> <td>Muslim</td><td>0.5%</td><td>0.8%</td><td>4.8%</td></tr> <tr> <td>Seikh</td><td>0%</td><td>0%</td><td>0.8%</td></tr> <tr> <td>Other</td><td>0.6%</td><td>0.7%</td><td>0.4%</td></tr> <tr> <td>No religion</td><td>25.2%</td><td>29.6%</td><td>25.1%</td></tr> <tr> <td>Not stated</td><td>8.2%</td><td>8.1%</td><td>7.2%</td></tr> </tbody> </table> <p><i>Data taken from East Sussex in Figures (ESiF) Dataset: Religion in 2011</i></p>		<b>Rother</b>	<b>East Sussex</b>	<b>England (000)</b>	All people	90,588	526,671	56,075,912	Christian	64.8%	59.9%	59.3%	Buddhist	0.3%	0.4%	0.4%	Hindu	0.2%	0.3%	1.5%	Jewish	0.2%	0.2%	0.5%	Muslim	0.5%	0.8%	4.8%	Seikh	0%	0%	0.8%	Other	0.6%	0.7%	0.4%	No religion	25.2%	29.6%	25.1%	Not stated	8.2%	8.1%	7.2%
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<p><b>11.</b> Could the area being assessed have a differential impact on people due to them having dependants/ caring responsibilities?</p>		<p><b>NO</b></p>	<p>Awards of CTR are based on the income and composition of the applicant's household and the amount of council tax that applicant is liable to pay. Premiums are included in the calculation for each child and if the applicant or their partner has caring responsibilities. The inclusion of a premium does not necessarily mean the applicant will receive more support than an applicant whose award does not include such premiums.</p>																																												
<p><b>12.</b> Could the area being assessed have a differential impact on people due to them being transgendered or transsexual?</p>		<p><b>NO</b></p>	<p>The Council's proposed CTRS does not preclude transgendered or transsexual applicants from receiving help towards paying their council tax.</p> <p>Based on data from the Equality Monitoring for 2016/17 we have no benefit claimants who have identified themselves as transgendered or transsexual</p>																																												

<p><b>13.</b> Is there any evidence that people from different groups may have different expectations of the areas being assessed?</p>		<p><b>NO</b></p>	<p>The Council's CTRS applies to two distinct groups: pensioners and those of working age. The scheme for pensioners is prescribed in law and the Council must award CTR based on that legislation.</p> <p>The scheme for working age applicants is not prescribed in law and the Council will decide its own support scheme. The scheme for working age applicants will be less generous as it includes.</p> <ul style="list-style-type: none"> <li>• Reducing the maximum levels of support available by 20%</li> <li>• Setting a Minimum Income Floor for Self Employed Persons</li> </ul> <p>However, there is no <i>evidence</i> that people from different groups of applicant have different expectations of the CTR scheme.</p>
<p><b>14.</b> Is the policy likely to affect relations between certain groups, for example because it is seen as favouring a particular group or denying opportunities to another?</p>		<p><b>Yes</b></p>	<p>For the reasons given above, working age applicants could feel they are being unfairly treated by the proposed scheme as the support they receive will be less than a pensioner applicant with similar circumstances</p>
<p><b>15.</b> Is the policy likely to damage relations between any particular groups and the Council?</p>		<p><b>Yes</b></p>	<p>Council will need to be aware that working age claimants could feel unfairly treated (compared to pensioners) but the need to provide support has to be balanced against the need of the Local Authority to find savings.</p> <p>It is therefore possible that relations between working age claimants and the Council could be damaged.</p>
<p><b>16.</b> Could the differential impact identified in 5-12 amount to there being the potential for adverse impact in this strategy/policy/service/procedure?</p>	<p><b>YES</b></p>		<p>For the reasons given above</p>



<b>17.</b> Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	<b>YES</b>		The LGFA prescribed the support scheme for pensioners and gave discretionary powers to billing authorities to provide financial support to council tax payers. However council budgets continue to reduce, therefore, billing authorities have a choice between reducing the amount of support provided or by funding the scheme from existing budgets which could affect all residents of Rother. The scheme for 2018/19 looks to maintain the current costs of the support provided and therefore will only affect working age claimants.	
<b>18.</b> Do your staff know who the contact is for equalities issues within your directorate?	<b>YES</b>		The authority has a designated Equality and Diversity officer and the Revenues and Benefits Department has an officer nominated as an equalities focal point.	
<b>19.</b> Have all your staff attended an equality awareness training session?	<b>YES</b>		All Staff attended Equality and Diversity training. New starters attend training when a course is available. It is Council policy that all staff attend this training.	
<b>20.</b> Have you set any equality performance indicators or objectives for your service?		<b>NO</b>		
<b>21.</b> Actions arising from Part 1 of the Initial Assessment				
<b>22.</b> Should this Initial Assessment proceed to Part 2?	<b>YES</b> (please go to question 25)			
<b>23a.</b> As a result of Part 1, is a Full Assessment necessary?		<b>NO</b> (please sign below)	<b>23b.</b> If Yes, on what evidence should this assessment proceed to a Full Assessment?	
<b>24a.</b> Date on which Full Assessment to be started by	N/A		<b>24b.</b> Date on which Full Assessment to be completed by	N/A

Signed (Completing Officer): *C. Watchman* · Signed (Lead Officer): *C. Watchman* · Date: 05 October 2017

PART 2 - INITIAL CONSULTATION AND RISK ASSESSMENT					
25. In what areas are there concerns that the strategy/policy/procedure <b>could</b> have a differential impact?	Race YES	Gender NO	Disability YES	Sexual Orientation NO	Age YES
	Religion or Belief No	Dependants/ caring responsibility NO	Transgendered or Transsexual NO		
26. What concerns are there that the area being assessed could have a differential impact on relevant groups? Please explain (continue on a separate sheet if necessary).	As explained in Part 1.				
27. What are the risks associated with the area being assessed in relation to differential impact?	<p>Economic – working age households could be entitled to less CTR than pensioner households</p> <p>Social – a reduction in household income can lead to health issues occurring – for example if savings are made from household heating bills, illness can develop in periods of cold weather.</p> <p>Reputation of the Council with those groups who feel disadvantaged.</p>				
28. Are there any experts/relevant groups who you can approach to explore their views on the issues?	YES but refer to Q29		29. Please list the relevant groups/ experts	<p>A full consultation exercise was carried out in 2015 prior to Council deciding the CTR scheme for 2016/17.</p> <p>The CTR scheme for 2018/19 is unchanged from 2016/17 &amp; 2017/18 and therefore there is no requirement to consult on the 2018/19 scheme.</p>	
30. How will the views of these groups be obtained?	Refer to consultation method/ results for 2016/17 scheme.		35. Date on which each group/expert was contacted	During the consultation period 27 July 2015 - 23 September 2015	

<b>31.</b> Please explain in detail the views of the relevant groups/experts on the issues involved (continue on a separate sheet if necessary).			Refer to document 'Comments' from Respondents' 2016/17 scheme consultation.			
<b>32.</b> Taking into account the views of the groups/experts and/or the available evidence, please clearly state the risks associated with the strategy/policy/procedure weighed against its benefits (continue on a separate sheet if necessary).			The government requires local authorities to introduce a local scheme to support people financially in paying their council tax. The scheme for 2018/19 meets the legal requirements as laid out by the government. The risks associated with this scheme are outweighed by the need to meet legal requirements.			
<b>33.</b> Actions arising from Part 2 of the Initial Assessment			None			
<b>34.</b> As a result of Part 2, is a Full Assessment necessary?		<b>NO</b> (please sign below)	<b>34a.</b> Date on which Full Assessment to be started		<b>34b.</b> Date on which Full Assessment to be completed	

Signed (Completing Officer): *C. Watchman* · Signed (Lead Officer): *C. Watchman* · Date: 05 October 2017