

Initial Equalities Impact Assessment screening form

Prior to making the decision, the Council's decision makers considered the following: guide to decision making under the Equality Act 2010:

*The Council is a public authority. All public authorities when exercising public functions are caught by the Equality Act 2010 which became law in December 2011. In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 9 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation and marriage & civil partnership***

The decision maker(s) must specifically consider those protected by the above characteristics:

- (a) To seek to ensure equality of treatment towards service users and employees;*
- (b) To identify the potential impact of the proposal or decision upon them.*

The Council will also ask that officers specifically consider whether:

- (A) The policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults*
- (B) The proposed policy / service is likely to have any significant impact on mental wellbeing / community resilience (staff or residents)*

If the Council fails to give 'due regard', the Council is likely to face a Court challenge. This will either be through a judicial review of its decision making, the decision may be quashed and/or returned for it to have to be made again, which can be costly and time-consuming diversion for the Council. When considering 'due regard', decision makers must consider the following principles:

- 1. **The decision maker is responsible for identifying whether there is an issue and discharging it.** The threshold for one of the duties to be triggered is low and will be triggered where there is any issue which needs at least to be addressed.*
- 2. **The duties arise before the decision or proposal is made, and not after and are ongoing.** They require **advance** consideration by the policy decision maker with conscientiousness, rigour and an open mind. The duty is similar to an open consultation process.*
- 3. The decision maker must be **aware of the needs of the duty.***
- 4. The **impact of the proposal or decision must be properly understood first.** The amount of regard due will depend on the individual circumstances of each case. The greater the potential impact, the greater the regard.*
- 5. **Get your facts straight first!** There will be no due regard at all if the decision maker or those advising it make a fundamental error of fact (e.g. because of failing to properly inform yourself about the impact of a particular decision).*
- 6. What does 'due regard' entail?*
 - a. **Collection and consideration of data and information;***
 - b. **Ensuring data is sufficient to assess the decision/any potential discrimination/ensure equality of opportunity;***
 - c. **Proper appreciation of the extent, nature and duration of the proposal or decision.***

7. **Responsibility** for discharging can't be delegated or sub-contracted (although an equality impact assessment ("EIA") can be undertaken by officers, decision makers must be sufficiently aware of the outcome).
 8. **Document the process** of having due regard! Keep records and make it transparent! If in any doubt carry out an equality impact assessment ("EIA"), to test whether a policy will impact differentially or not. Evidentially an EIA will be the best way of defending a legal challenge. See hyperlink for the questions you should consider <http://occweb/files/seealsodocs/93561/Equalities%20-%20Initial%20Equality%20Impact%20Assessment%20screening%20template.doc>
1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

Council Tax Reduction is claimed by low income households in the city. The following groups are over represented in this cohort compared to the general population:

Women

Single parent households

Ethnic Minorities

People with a disability or lifelong illness

The proposals will affect groups with protected characteristics in the following ways:

Race

It is not intended that this policy will disproportionately affect any particular ethnicity. However BAME groups are over represented in the existing CTR caseload, compared to Oxford as a whole.

Disability

People who are defined as disabled will not be adversely impacted by the changes, The proposed income band scheme will disregard income from disability related benefits such as Personal Independence Payment.

Gender or Gender Identity/Gender Assignment

There are a greater proportion of female claimants than male within the current CTR caseload. This will therefore affect more women than men of working age.

Sexual Orientation

No adverse impact

Age

The impact of this policy will be felt by people of working age, as national legislation prevents changes being made to the pension age CTR scheme. The proposal to remove the family premium from the CTR scheme will reduce the support provided to new claims from families who are not in receipt of a passported benefit by £4.44 per week for single parents and £3.48 per week for couples.

Religion, Faith and Belief

No adverse impact

Although the changes proposed are not intended to reduce the overall level of financial support provided through the scheme, some individuals will see the support provided to them reduce, and this will inevitably impact on the groups listed above.

In most cases the proposed changes will impact a relatively small number of people as they will only apply to new claims, or when a significant change in circumstances occurred. For this reason it is not possible to identify which customers will be affected in the first year of a new scheme. However analysis has been conducted into the impact of the most significant change which is the introduction of the income band

scheme for Universal Credit customers. This will apply to the majority of CTR recipients at some point in the future.

INCOME BAND SCHEME

A breakdown of the 707 customers who are projected to lose more than £5 per week compared to the current scheme is detailed below.

These households comprise 633 with a single adult and 74 where the claimant has a partner. 99 households contain one or more non-dependent adults, and 23 currently receive a premium in respect of a disabled person in the household. 40 households are currently affected by the Benefit Cap, and 28 are affected by the Bedroom Tax.

The following tables show the breakdown by tenure and the number of children in the household.

Tenure Type	No. of households
Local Authority	176
Private rented	288
Housing Association	235
Temporary Accommodation	8

No. of children	No. of households
0	22
1	128
2	237
3	168
4	102
5	32
6 or more	17

Top 20 losers

Additional analysis has been carried out of the 20 households which stand to lose the most from the proposed income band scheme. On average these households will have a reduction in support of £1,082 per year. However they will still receive nearly £1,000 on average in support with their Council Tax. They also have a significant amount of income disregarded from the calculation of their support. After their housing costs, and any non-UC benefits, they have an average of £519 in monthly income from Universal Credit disregarded.

These cases lose out because they are at the lower end of an income band. However this creates a good work incentive as they are able to increase their earnings by an average of £456 per month before losing any more support with their Council Tax.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the

changes on the resultant action plan

Proposals to adopt a minimum Council Tax charge for all households were considered but were not brought forward. This would have reduced the support provided to all working age recipients of Council Tax reduction, and introduced a charge for 4,000 households who currently receive a 100% rebate.

Proposals for the new scheme which will apply to Universal Credit customers have disregarded income received in relation to having children, limited capacity work or for being a carer within the Universal Credit system. Income from other benefits is also disregarded.

Within the existing Council Tax regulations, there is provision for discretionary payments to be made to people experiencing hardship.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

Consultation has been conducted and details of the responses are provided at Appendix 2 of this report.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

Section 2, above references discretionary support which people facing hardship are able to apply for.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The impact will be monitored via applications for discretionary support. This should highlight any areas of concern.

As the changes will be rolled out on a gradual basis, as people see changes in their circumstance, there will be an opportunity to revise the scheme in future years, if there is an unexpected negative impact on certain groups of customers.

Lead officer responsible for signing off the EqIA: Paul Wilding

Role: Revenues & Benefits Programme Manager

Date: 3 November 2017

Note, please consider & include the following areas:

- Summary of the impacts of any individual policies
- Specific impact tests (e.g. statutory equality duties, social, regeneration and sustainability)
- Consultation
- Post implementation review plan (consider the basis for the review, objectives and how these will be measured, impacts and outcomes including the “unknown”)
- Potential data sources (attach hyperlinks including Government impact assessments or Oxfordshire data observatory information where relevant)

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