

### 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).

# Appendix 3

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 proposals for 2019/20 should not disadvantage any groups as they are designed to make the scheme more generous. Increasing the income bands ensures CTR claimants who receive an hourly pay increase in line with the national and Oxford living wage are not disproportionately affected by moving into a band with less CTR available. The removal of the minimum income floor for self-employed earners will remove an existing inequality by treating self-employed and employed customers in the same way by calculating any CTR entitlement using their actual earned income.

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**

No adverse impact

#### **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**

## Appendix 3

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.

### **Religion, Faith and Belief**

No adverse impact

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

Increasing the income bands ensures CTR claimants who receive an hourly pay increase in line with the national and Oxford living wage are not disproportionately affected by moving into a band with less CTR available. The removal of the minimum income floor for self-employed earners will remove an existing inequality by treating self-employed and employed customers in the same way by calculating any CTR entitlement using their actual earned income.

The parameters for adjusting the income bands will be made and customers affected will be notified as part of the Council Tax annual billing process.

Self-employed claimants will be identified and cases will be adjusted manually to ensure accuracy in the calculation of earnings and will be notified as part of the Council Tax annual billing process.

If customers feel they are experiencing hardship, there is provision for discretionary payments to be made to people within the existing Council Tax regulations.

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

## Appendix 3

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

There are no adverse impacts anticipated.

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

Self-employed claimants have their claims reviewed regularly to ensure the earned income used in the calculation is accurate.

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

Lead officer responsible for signing off the EqIA: James Pickering

Role: Welfare Reform Manager

Date: 3 December 2018

Note, please consider & include the following areas:

## Appendix 3

- 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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