

Appendix 3

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

Age is not affected by this scheme as Pensioners are covered by the national default scheme and this consultation relates to the working age CTR scheme only.

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

At this stage proposals are only being submitted for consultation. The 2024/25 Council Tax Reduction Scheme will be informed by this consultation process.

This will include:

- Whether or not to increase the Income Bands or to freeze at current levels
- If we do increase, to use CPI instead of RPI in line with the DWP up-ratings
- To consider if the banded income approach should take into account family size. Currently the scheme has a single structure for

a total income for all applications, with no regard to household composition

- To consider giving a reduction of up to 100% for passported cases, limiting the reduction to for all other claims up to 85% of the liability
- To automatically reduce the CTR award to a maximum of 75% if there is a non-dependant in the property. In cases where there is a disability benefit in payment for the applicant or an additional adult, then the reduction would not be applied. This mirrors the application of the single person discount.

Within the existing Council Tax regulations, there is provision for discretionary payments to be made to people experiencing hardship. Anyone disadvantaged by the Council Tax Reduction scheme can apply for help from this scheme.

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

The main report seeks approval for consultation about changes to the proposed scheme. This includes general public consultation and advice agencies as well as consulting with the major preceptors. We will use electronic means to consult to avoid respondents using paper forms, as with the current Covid-19 pandemic access to the places we would normally place forms is restricted and we also want to limit any opportunity to spread the virus.

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

Within the existing Council Tax regulations, there is provision for discretionary payments to be made to people experiencing hardship. Anyone disadvantaged by the Council Tax Reduction scheme can apply for help from this scheme.

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 people see changes in their circumstances, there will be an opportunity to revise the scheme in future years, if there is any unexpected negative impact on certain groups of customers.

We will talk to other Councils who have adopted different approaches to their CTR scheme to see what works well and what doesn't. The Department for Work and Pensions guidance and case law often influences the approach this Council takes as it will inform us of the impact of certain elements of schemes and the adjustments, if any that are needed.

Lead officer responsible for signing off the EqIA: Laura Bessell

Role: Local Taxation & Benefit Service Delivery Manager

Date: 1st October 2023