

Colchester Borough Council

Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: Initial Equality Impact Assessment

Name of policy to be assessed:

- Local Council Tax Support Scheme 2018 to 2019 – draft policy located at www.colchester.gov.uk/lcts

1. What is the main purpose of the policy?

Since 1st April 2013, Colchester Borough Council has maintained a Local Council Tax Support Scheme. This replaced the national Council Tax Benefit scheme, which ended on 31st March 2013. The Local Council Tax Support Scheme provides help to residents, on a low income, to meet their Council Tax liabilities. It supports residents by providing a reduction in the actual amount in Council Tax payable.

Colchester Borough Council has the ability to determine the level of support given to working age applicants only. The scheme for pension age applicants is determined by Central Government and therefore the ability of Colchester Borough Council to vary that part of the scheme is limited and can only enhance the national scheme in any event.

When Local Council Tax Support Scheme was first introduced, Central Government provided a specified level of grant, which was approximately 10% lower than the amounts previously given (pre 1st April 2013). This has now been replaced by a general duty to provide a scheme and funding is not separately identified within the grants given to Colchester Borough Council.

After the original consultation, Colchester Borough Council decided to introduce a Local Council Tax Support Scheme that differed from the original Council Tax Benefit in that instead of granting a maximum level of support of 100% it would limit the maximum support to 20%.

Changes since 2013

Since the introduction of the Local Council Tax Support Scheme, the overall scheme adopted by the Colchester Borough Council has remained broadly the same. Changes made include applicable amount changes, non-dependant charges being increased, minimum level of entitlement set at £1.00, disregard of Child Maintenance as income, a reduction in the level of backdating permitted as well as

minor changes being made to mirror changes to the Housing Benefit scheme. Central Government has also continued to update changes to applicable amounts for pension age applicants, again to mirror the changes in Housing Benefit.

The Proposed Scheme for 2018/19

It has been decided by Colchester Borough Council that a full review should be undertaken as to the effectiveness of the current Local Council Tax Support Scheme and a public consultation should be undertaken to gather views as to whether the current scheme should be changed.

Colchester Borough Council is considering changes to the working age scheme to meet the following:

- The more accurate targeting of support to those working age applicants who most need it
- The need to change the scheme, not only to align with proposed changes to Housing Benefit, but also to align the scheme with the approach taken by the Department for Work and Pensions in the creation, introduction and roll out of Universal Credit; and
- To address potential shortfalls in funding due to the continued reduction in Central Government grants.

Colchester Borough Council has identified a number of proposed changes and that these will form part of an extensive public consultation. Please note that the changes, if made, would only apply to the working age scheme although the consultation will be open to all residents.

The main proposals of the scheme (subject to consultation) will be as follows. Any changes if adopted will be effective from 1st April 2018:

- Should the Scheme be amended to limit the calculation of Local Council Tax Support to Band D?
- Should the scheme be amended to align with Housing Benefit disregarding certain charitable income, specifically We Love Manchester Emergency Fund and The London Emergencies Trust?
- Should the scheme be amended to align with Housing Benefit, namely that the Bereavement Support Payments are disregarded in assessments?
- Should the scheme be amended to introduce a set income for the self-employed who report earnings of less than 16 hours at National Minimum Wage after a year period?
- Should the scheme be amended to change how we may process Universal Credit notifications from the Department of Working and pensions?
- Should the scheme change the minimum Local Council Tax Support from £1 to £2?
- As an alternative to changing the Local Council Tax Support Scheme, the Council will also consult on whether it should:
 - Increase Council Tax; or
 - Find the additional income by reducing other services; or

- Use reserves to provide the income

Scope of the Equality Impact Assessment

A full Equality Impact Assessment will be produced after consultation and will examine the potential effects of each of the changes if any of the options were to be considered Colchester Borough Council.

As part of the any changes, Colchester Borough Council will give consideration to the effects on working age claimants only and in particular any vulnerable groups in the design of any new system. Central Government has not been prescriptive in how it does this but points to Colchester Borough Council existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996 as well as the public sector equality duty in section 149 of the Equality Act 2010.

Method of Consultation

The Council will use the following methods to obtain views

Stakeholders	Methodology
1. Existing claimants (both working age and pensionable age)	Survey portal Paper forms
2. Council taxpayers and service users generally	Survey portal Paper forms
3. Interested organisations and groups.	Survey portal Paper forms Direct communication
General Awareness	
Provision of information and awareness raising of changes and proposals	Press releases Face to face communication at customer service points Colchester Borough Council Social media accounts and news letters Direct mailings / Phone line messaging

Analysis and Assessment

A full analysis and assessment will be made after public consultation.

2. What main areas or activities does it cover?

- Payment of Council Tax

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

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4. Who are the main audience, users or customers who will be affected by the policy?

- Residents in receipt of Local Council Tax Support
- Future applicants for Local Council Tax Support
- Tax payers of the Borough
- Our Major precepting authorities
- Other persons likely to have an interest in the operation of the scheme including voluntary/support agencies

5. What outcomes do you want to achieve from the policy?

- To direct support to the most in need
- To provide work incentives
- To meet requirements under the Local Government Finance Act 2012

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- Major precepting authorities in Essex
- Department for Work and Pensions
- Department for Communities and Local Government
- Key partners within the local community who provide support to local residents for financial and debt advice, housing advice and other support schemes

7. Are you aware of any relevant information, data, surveys or consultations¹ which help us to assess the likely or actual impact of the policy upon customers or staff?

- A consultation will take place for the period 21 August 2017 to 02 October 2017 to seek views on the impact of the proposed changes to the policy. All responses will be analysed and will inform a final decision on the suitability of the policy for 2018/19.

8. The ‘general duty’ states that we must have “due regard” to the need to:

¹Click on [surveys or consultations](#) for more information. The Council’s surveys and consultations include ‘equality monitoring information’ to help us identify any particular concerns or views expressed by any particular group or ‘protected characteristic’. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the Hub.

- (a) Eliminate unlawful discrimination, harassment and victimisation
 - (b) Advance equality of opportunity between people who share a ‘protected characteristic² and those who do not³
 - (c) Foster good relations between people who share a protected characteristic and those who do not⁴
- Not all policies help us to meet the ‘general duty’, but most do.

The policy helps us to ‘eliminate unlawful discrimination, harassment and victimisation’ in the following way(s):

- The draft policy has been devised to support residents in Colchester whilst balancing the available funding and assumed fiscal pressures in future years. Consideration has been given to ensure that the policy does not unlawfully discriminate and is based on an assessment of household income as well as protecting various groups deemed by Colchester Borough Council to require support the most. Additional discretionary funds are available for customers who are experiencing ‘exceptional’ difficulty. These include Discretionary Housing Payments to help with Housing costs as well as an Exceptional Hardship Fund to assist Local Council Tax Support recipients who have to make a contribution towards their Council Tax bill.

The policy helps us to ‘advance equality of opportunity...’ in the following way(s):

- The assessment of eligibility for Local Council Tax Support is based on set criteria which will ensure that all applicants are considered in a fair and consistent way.

The policy helps us to ‘foster good relations...’ in the following way(s):

- The delivery of Local Council Tax Support has been extensively publicised to third party organisations such as social landlords and advice organisations. This has allowed for strong referral links to the Customer Support Team, the fostering of community resilience and has helped to develop a wider network of advice and support for residents.

² The Equality Act’s ‘protected characteristics’ include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

³ This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

⁴ This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

9. This section helps us to identify any disproportionate impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the 'protected characteristics'.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)	Yes	Resident of pension credit age claiming Local Council Tax Support are assessed in line with Government regulations. All residents who are classed as not of a working age including older people are provided with support broadly in line with the former Council Tax Benefit Scheme	None identified	n/a
	Younger people (17-25) and children (0-16)	No		Yes	Limiting of entitlement to Band D could affect larger families with younger children.
Disability	Physical	Yes	Relevant disability benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group. People with disabilities will continue to receive additional premiums as part of the calculation. Disability benefits and premiums available for those with disabilities are defined within the draft Local Council Tax Support scheme policy 2018/19	None identified	n/a
	Sensory	As above	As above	As above	As above
	Learning	As above	As above	As above	As above
	Mental health issues	As above	As above	As above	As above

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
	Other – Working age applicants	No	There may be a reduction in support given to certain working age groups based on the changes. This will be subject public consultation.	Yes	Through the introduction of three proposals 1) The introduction of a set income for the self-employed. 2) Changing the minimum level of Local Council Tax Support payment to £2 3) Limiting the Calculation of Local Council Tax support to Band D The three changes will result in reduced entitlement for some residents.
Ethnicity ⁵	White	None identified		None identified	
	Black	None identified		None identified	
	Chinese	None identified		None identified	
	Mixed Ethnic Origin	None identified		None identified	
	Gypsies/ Travellers	None identified		None identified	
	Other – please state				
Language	English not first language	None identified		None identified	
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks	None identified		None identified	
Religion or Belief	People with a religious belief (or none)	None identified		None identified	
Sex	Men	None identified		None identified	

⁵ National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
	Women	None identified		None identified	
Gender Reassignment ⁶	Transgender/ Transsexual	None identified		None identified	
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian	None identified		None identified	
Marriage and Civil Partnership	People who are married or in a civil partnership	None identified		None identified	

⁶ The protected characteristic of gender reassignment is defined by the Equality Act 2010 as “a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.” This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to. NB: It is generally held that transgender people disguise their features or clothing to resemble their preferred sex, whereas transsexual people wish to change their body to completely resemble their preferred sex.

10. If you have identified any negative impacts (above) how can they be minimised or removed?

Negative impacts have been identified in two areas:

- **Age**
- **Other – Working age applicants**

Colchester Borough Council will operate within a lawful and balanced budget. The financial impact on Colchester Borough Council due to the reduction in the grants received from central government require the council to adopt a local scheme that takes into account the need to protect the most vulnerable in our community and all local taxpayers. The introduction of this scheme will provide Colchester Borough Council with the opportunity to apply the principles to ensure that the council meets the public sector equality duty under the Equality Act 2010. The reduction in financial support is necessary to protect the interests of taxpayers general and to preserve the overall finances of Colchester Borough Council and services it provides.

Should any of the proposals be adopted there will be safeguards. This will take the following forms:

- The existing means tested scheme will be maintained and the most support will be given to those on lowest income
- Certain groups will continue to receive additional help under the scheme through the provision of premiums and allowances, e.g. Disability Premium, Severe Disability Premium, and Enhanced Disability Premiums etc.
- The Council could provide additional Support through Exceptional Hardship Payments for residents experiencing extenuating circumstances
- The Council will be available to offer bespoke advice and support to any resident affected by this change
- A year's grace period is proposed on individual claims to cushion impact of the proposed change to the Self employed

11. Could the policy discriminate⁷ against any ‘protected characteristic’, either directly or indirectly⁸?

- No – It is held that identified negative impacts have been mitigated as detailed above.

⁷ The Council has a general duty to ‘eliminate unlawful discrimination, harassment and victimisation’. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their ‘protected characteristic’ whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their ‘protected characteristic’.

Summary and findings of Initial Equality Impact Assessment

12. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
✓ Negative impacts have been identified but have been minimised or removed	Sign off screening and finish.

13. Name and job title of person completing this form:

- Jason Granger – Customer Intervention Manager

14. Date of completion:

- 18 August 2017

15. Date for update or review of this screening: 1 April 2018