

Braintree District Council

Equality Impact Assessment – An Analysis of the Effects on Equality

Section 1:

Name of policy, service or strategy to be assessed:

- Localised Council Tax Support Policy 2016-17

1. What is the main purpose of the policy, service or strategy?

To address the requirements placed upon Braintree District Council to deliver the scheme from April 2016.

The scheme has been designed to meet the needs of our Working Age residents within Braintree district in 2016, who receive Local Council Tax Support.

We also had to work to a budget that continues to be reduced annually.

Due to these increasing pressures on the Council's budget caused by a further reduction in funding from Central Government, it has been necessary to revise our scheme from 2016/17, following a period of public consultation.

Pension Age claimants are protected and continue to receive the same level of support as they did under the previous Council Tax Benefit scheme.

The scheme is:

- Everyone of Working Age, in receipt of Local Council Tax Support, will pay a minimum of 24% of their annual Council Tax charge
- Everyone of Working Age, living in Band E,F,G or H property will have their Local Council Tax Support limited to the amount payable for a Band D property
- Child Benefit for the first child only, will be disregarded as income when assessing entitlement to Local Council Tax Support.
- There will be a standard weekly deduction from Local Council Tax Support, made for each non dependant living in the property regardless of their weekly income. This weekly deduction will be £10.00.
- Second Adult Rebate is not paid to Working Age customers, where they are living with the Council Tax payer and are on a low income. The Council Tax payer will need to meet the full Council Tax charge due on the property.
- The earnings disregard is £40 per week, for Working Age customers in receipt of Local Council Tax Support and in remunerative work.
- Local Council Tax Support is considered where the customer has up to £16,000 in savings.
- Backdating is restricted to one month.
- Self Employed claimants who declare nil earnings after a twelve month period, will have their Council Tax Support assessed using the national living wage, appropriate to their circumstances.

- New applications for Council Tax Support received after 1st May 2016, will not include a Family Premium within the award assessment.
- No underlying entitlement will be considered, where an overpayment occurs.

2. What main areas or activities does it cover?

- Payment of Council Tax
- Discounting of Council Tax

3. Who are the main audience, users or customers who will be affected?

- Those liable for Council Tax within the district.
- Adults on a low income with low savings
- Any authority that can levy a charge to contribute to Council Tax

4. What outcomes do you want to achieve from the policy, service or strategy?

- A fair and equitable scheme
- To maintain support for particularly vulnerable people within the constraints imposed by Government policy.

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

- All major precepting authorities in Essex.

- Revenues Service
- Strategic Housing
- Customer Services
- Department for Work and Pensions
- Department for Communities and Local Government

6. How does the policy, service or strategy help to further or facilitate to our 'general duty'¹ to:

(a) eliminate unlawful discrimination, harassment and victimisation?

(b) advance equality of opportunity between people who share a 'protected characteristic'² and those who do not?³

(c) foster good relations between people who share a protected characteristic and those who do not?⁴

Please complete the following in order to identify how the policy, practice or strategy furthers the aim of the 'general duty':

¹ These 3 points summarise the 'general duty' as it applies to public sector organisations in the Equality Act 2010

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.

'Protected characteristic' group		How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
Age	Older people (60+)	None identified	This group is protected in the policy, which follows specific Government Regulations.	None identified
	Younger people (17-25) and children (0-16)	None identified	Parents will continue to receive a child allowance and family premium (for existing claimants only) as part of the calculation, which is consistent with the Council's duty to safeguard and promote the welfare of children. Working parents receive a higher disregard of their earnings to reflect their childcare costs.	None identified

'Protected characteristic' group		How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
Disability	Physical	<p>Disability Benefits will continue to be disregarded thereby providing additional support to 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.</p> <p>Without these actions designed to protect this group the policy could potentially be discriminatory.</p>	<p>Disability Benefits will continue to be disregarded thereby providing additional support to 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.</p>	None identified

'Protected characteristic' group		How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
	Sensory	<p>Disability Benefits will continue to be disregarded thereby providing additional support to 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.</p> <p>Without these actions designed to protect this group the policy could potentially be discriminatory.</p>	<p>Disability Benefits will continue to be disregarded thereby providing additional support to 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.</p>	None identified

'Protected characteristic' group		How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
	Learning	Disability Benefits will continue to be disregarded thereby providing additional support to 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. Without these actions designed to protect this group the policy could potentially be discriminatory.	Disability Benefits will continue to be disregarded thereby providing additional support to 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.	None identified
	Mental health issues	We may be able to grant exemption from Council Tax liability under SMI (Severely Mentally Impaired) legislation	None identified	None identified
Ethnicity ⁵	White	None identified	None identified	None identified
	Black	None identified	None identified	None identified
	Chinese	None identified	None identified	None identified
	Mixed Ethnic Origin	None identified	None identified	None identified
	Gypsies/ Travellers	None identified	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		How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
	<i>Other – please state</i>			
Language	English not first language	We will provide access to Language Line to assist our customers where English is not their first language	None identified	None identified
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks	None identified	Parents will continue to receive a child allowance and family premium (existing claimants only) part of the calculation, which is consistent with the Council's duty to safeguard and promote the welfare of children. Working parents receive a higher disregard of their earnings reflecting their childcare costs.	None identified
Religion or Belief	People with a religious belief (or none) ⁶	None identified	None identified	None identified
Sex	Men	None identified	None identified	None identified
	Women	None identified	None identified	None identified
	Transsexual / gender reassignment	None identified	None identified	None identified
Sexual Orientation	Lesbian, gay and bisexual	None identified	None identified	None identified
Marriage and Civil	People who are single, married or in a civil	None identified	not applicable	not applicable

⁶ For example, Buddhist, Christian, Hindu, Jewish, Muslim, Sikh or no religious belief.

'Protected characteristic' group		How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
Partnership ⁷	partnership			

7. Are there any concerns that the policy, service or strategy could have a differential impact in terms of equality?

- Yes

Please use the table below to indicate how the policy, service or strategy could have a positive or negative effect on any of the following equality groups (known under the Equality Act as 'protected characteristics'). Include reference to any consultation, data or information that you have used in making this assessment about positive or negative effects.

⁷ Our legal duty in respect of 'marriage or civil partnership' extends only to the need to eliminate unlawful discrimination.

'Protected characteristic' group		Positive Impact	Explain how it could benefit the group	Negative Impact	Explain how it could disadvantage the group
Age	Older people (60+)	X	This group is specifically protected under Government Regulations.		No impact specific to characteristic has been identified
	Younger people (17-25) and children (0-16)		No impact specific to characteristic has been identified	X	17 year olds may be disadvantaged indirectly if their parents have to pay more as a result of this policy. People over 18 of working age will be required to pay more.
Disability	Physical		No impact specific to characteristic has been identified	X	People with disabilities who are below pensionable age will need to pay more.
	Sensory		No impact specific to characteristic has been identified	X	People with disabilities who are below pensionable age will need to pay more
	Learning		No impact specific to characteristic has been identified	X	People with disabilities who are below pensionable age will need to pay more
	Mental health issues		No impact specific to characteristic has been identified	X	People with disabilities who are below pensionable age will need to pay more
Ethnicity	White		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
	Black		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
	Chinese		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
	Mixed Ethnic Origin		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
	Gypsies/ Travellers		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
	Other – <i>please state</i>				
Language	English not first language		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified

'Protected characteristic' group		Positive Impact	Explain how it could benefit the group	Negative Impact	Explain how it could disadvantage the group
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
Religion or Belief	People with a religious belief (or none)		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
Sex	Men		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
	Women		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
	Transsexual / gender reassignment		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
Sexual Orientation	Lesbian, gay and bisexual		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified
Marriage and Civil Partnership	People who are single, married or in a civil partnership		No impact specific to characteristic has been identified		No impact specific to characteristic has been identified

8. Could the policy, service or strategy unlawfully discriminate⁸ against any 'protected characteristic', either directly or indirectly?
Nothing has been identified to indicate unlawful discrimination.

⁸ 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' unless the practice can be objectively justified by a legitimate aim.

9. If you have identified any negative impacts above, have you been able to minimise or remove them, and if so, how?

17 year olds may be disadvantaged indirectly if their parents have to pay more as a result of this policy.

Parents will continue to receive additional allowances (excludes Family Premium for new claimants after 1st May 2016), which is consistent with the Council's duty to safeguard and promote the welfare of children.

People over 18 of working age will be required to pay more.

The Council will continue to provide directly, or signpost to, information and advice on income maximisation or cost reduction.

People with disabilities who are below pensionable age will need to pay more.

Disability Benefits will continue to be disregarded thereby providing additional support to those with specific long term conditions.

Additional comments:

- The policy has been specifically designed with safeguards for vulnerable people, particularly with regard to child poverty and disability. For example, parents will continue to receive additional allowances such as the earnings disregard in respect of childcare costs.
- The Council will consider additional ways in which to help and support people to pay their Council Tax. Assistance will be provided to those who have difficulty in completing the appropriate application forms and documentation in larger print will be made available for customers upon request.
- The Council will provide for an Exceptional Hardship Fund for those extreme cases where exceptional hardship is being experienced by a customer in receipt of Local Council Tax Support, and unable to meet the full cost of their Council Tax liability.

However this fund will be cash limited and all cases will be considered on an individual basis. Prior to consideration of assistance from the Exceptional Hardship Fund, the Council will explore all possible alternative measures to assist with the shortfall, including financial referrals to the Citizens Advice Bureau.

Summary and findings of Equality Impact Assessment –

10. Please indicate the relevant box to confirm your findings, and what the next step is:

Findings	Action required
No likely negative impacts have been identified and this has been justified with reference to consultation, data or information. <input type="checkbox"/>	
Likely negative impacts have been identified but have been minimised or removed. <input checked="" type="checkbox"/>	Council to agree to: Continue to offer advice and support to claimants from the Welfare Officer and Collection Support Officer; and Operate the Exceptional Financial Hardship Fund and supported by the continuation of the Money Advice service delivered by the Citizens Advice Bureau.
Likely negative impacts were identified but have not been minimised or removed. <input type="checkbox"/>	
There is insufficient evidence to make a judgement.	

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

Juli Rigby, Revenues and Benefits Manager

12. Date of completion:

10th December 2015

13. Date for update or review:

1st April 2017.