

Community Impact Assessment

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

When to assess

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate discrimination, harassment and victimisation;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

We also ask you to consider other socially excluded groups, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes; this may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

Collecting and using equality information

The Equalities and Human Rights Commissions (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made.

There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <http://www.neighbourhood.statistics.gov.uk>
- Swale in 2011 http://issuu.com/swale-council/docs/key_data_for_swale
- Kent County Council Research and Intelligence Unit http://www.kent.gov.uk/your_council/kent_facts_and_figures.aspx
- Health and Social Care maps <http://www.kmpho.nhs.uk/health-and-social-care-maps/swale/>

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Examples of case law can be found here [EHRC relevant case law](#). They include examples of why assessing the impact **before** the decision is made is so important and case law around the need to have due regard to the duty

Lead officer:	<i>Zoe Kent</i>
Decision maker:	<i>Council</i>
People involved:	<i>Zoe Kent, Brian Planner</i>
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<ul style="list-style-type: none"> • <i>This is a localised scheme that the Borough is required to put in place to give financial help towards Council Tax to those residents on a low income.</i> • <i>We are required to review this scheme before 31 January of the financial year.</i>
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	<i>SMT – 14 October 2014</i> <i>Cabinet – 5 November 2014</i> <i>Council – 26 November 2014</i>
Summary of the decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p><i>What are the aims and objectives?</i></p> <ol style="list-style-type: none"> <i>To provide help towards Council Tax as a localised Council Tax Support scheme to those on a low income in the Borough</i> <i>To provide pensioners with the support as per The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended by The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013</i> <i>To provide working age claimants support taking into consideration the reduction in financial support provided within the Revenue Support Grant towards the Council Support Scheme.</i> <i>Support vulnerable people</i> <i>Support claimants back into work</i> <p><i>What are the key actions?</i></p> <ul style="list-style-type: none"> • <i>Providing a scheme that supports those claimants on a low income</i> • <i>Putting into place a scheme that does not mean a financial burden to the authority which could lead to putting other services provided by the Borough at risk.</i> • <i>Continuing to design and deliver services to meet the needs of vulnerable customers</i> • <i>Consider user feedback, engagement and consultation when designing the scheme</i> <p><i>What are the expected outcomes?</i></p> <p><i>To put in place a scheme that balances the needs of vulnerable claimants against the budget requirements of the Borough.</i></p> <p><i>Who will be affected?</i></p> <p><i>Those working-age residents who are on a low income who claim help towards their Council Tax. This covers all areas of the Borough but particularly those who live in deprived areas.</i></p> <p><i>How many people will be affected?</i></p> <p><i>7,346 working age claimants will be affected by the changes to the scheme (12% of all Council Tax account holders).</i></p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people with different protected characteristics. 	<p>When the scheme started in April 2013 our client base was made up as follows:</p> <ul style="list-style-type: none"> • Severe disability – 5% • Disability – 13% • Disabled child - 4% • Lone parent child under 5 – 15% • Child under 5 – 9% • 4 children or more – 1% • 3 children – 3% • 2 children – 7%

	<ul style="list-style-type: none"> • 1 child – 11% • All children over 16 – 3% • Working no children – 4% • Other (does not fall into any of the above categories) – 25% <p>A more comprehensive research and consultation exercise was undertaken to inform the CIA for the 2013/14 scheme, which was the first year that council tax support was localised. The results of this exercise remain valid this year, and the previous CIA is available.</p> <p>A new online consultation has taken place for the 2015/16 proposed year's scheme.</p> <p>Whilst designing the Council Tax Support scheme we have tried to ensure that all groups of the community who will be claiming Council Tax Support are treated fairly. The scheme needs to balance between the groups that may have higher expenditure because of their needs who however may receive higher benefits because of those needs and those who are seen to not have any extra needs i.e. disability or children who may not have extra expenditure but will be living on a lower income. Those with more children have a much higher income overall to use towards their Council Tax payments (now capped to £500 per week) compared with single claimants who are under 25 who may be living on £56.80 per week.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p><i>Following the comprehensive consultation prior to the initial 2012/13 scheme, a consultation was carried out in 2013/14 and a further consultation was carried out in September/October 2014. The latest consultation proposed amendments to the Council Tax empty property discounts to enable the current scheme to stay the same from 1 April 2015. The following questions were asked in the previous year's consultation.</i></p> <ol style="list-style-type: none"> 1. <i>Which option do you support? Option 1 - reduce benefit awards by 18.5% or option 2 - reduce benefit awards by 15.0% or Option 3 – none</i> 15.38% of responders chose option 1, 61.54% chose option 2 and 23.08% chose option 3. 2. <i>Do you think the Council should make wider changes to the Council Tax Support Scheme?</i> 38.46% chose yes, 23.08 % no, 38.46% unsure 3. <i>Reduce the level of savings allowed?</i> 53.85% chose yes, 30.77% chose no, 15.38% unsure 4. <i>Cap benefit to the level of Council Tax band D?</i> 76.92% chose yes, 15.38% chose no, 7.69% chose unsure 5. <i>Remove the rebate available for other occupiers?</i> 38.46% chose yes, 53.85% chose no, 7.69% chose unsure <p><i>Responses were received from most age groups who receive Council Tax Support, 54% of responders receive Council Tax Support and 46% do not. Those who receive Council Tax Support all fall into the working age group so currently receive a reduction in their Council Tax Support. 31% of all responders have health problems, their responses did not produce different views to other responders..</i></p> <p><i>There appeared to be no difference in response from those in protected group to other responses. As with the scheme that was put into place last year claimants who are disabled may have higher living expenses due to their disability, for example higher heating and travelling costs. They normally receive extra income to pay towards</i></p>

these expenses such as Disability Living Allowance care and/or mobility paid at the rate to meet the level of their disability. If they are in receipt of Housing Benefit and do not receive full (passported) benefit they will receive extra premiums to cover their disability which means they should receive a higher amount of Housing Benefit. The Council Tax Support scheme for 2014/15 will include a premium to allow for their disability.

The consequences of not awarding a special exemption to disabled claimants may include:

- Disabled claimants may be unable to work to increase income to pay towards the cost of Council Tax.
- Disabled claimants may have to use income that is normally used towards activities outside of the home. This could lead to disabled customers becoming isolated
- Income may be used towards Council Tax in preference to electricity/gas costs which may lead to heating not be used which could lead to health problems.
- Income may be used towards Council Tax instead of buying healthier food which may lead to further health complications.

Claimants who are under 25 receive lower amounts of benefits if single or couples with no children. This means they have lower amounts of income to live on.

The consequences are, claimants who are under 25 may find they have not got enough income to pay towards their other general living expenses. This may lead to them not having enough money towards heating and food costs. The Borough may find this leads to an increase in crime in the area.

The latest consultation closed on 31 October 2014, the following questions are were asked:

1. Should the short term empty and unfurnished discount be reduced from 3 months to?
 - One month – 29%
 - Six weeks – 17%
 - Keep the discount at 3 months – 54%

Of the 54% of responders who felt we should keep the empty property discount at 3 months more than half felt we should keep the reduction from Council Tax Support for working age benefit claimants at 15% or reduce it further. It was explained in the consultation that we were looking to change the empty property discount so that we could keep the reduction from Council Tax Support at 15%. If the short-term empty property discount is reduced from 3 months to either 1 month or 6 weeks it is not felt that any one group with a protected characteristic would be affected more than another.

If the empty property discount is reduced to 6 weeks or 1 month information will be supplied to residents so that they are fully aware of the date they will be charged Council Tax from. Other exemptions are available to help those residents who may have a property empty for a specific reason. For example a former home of a deceased person, absent giving or receiving care, in a residential home. We are also not proposing to reduce the Class D discount for properties that require substantial structural repairs that can be awarded for up to a year.

Currently properties that are empty for longer than 3 months are charged the full Council Tax rate. To encourage properties that have been empty for more than two years back into use, we are considering adding a premium of 50% to the full Council Tax rate.

2. Do you agree?

- Yes – 74%
- No – 26%

Charging a premium on a property that has been empty for more than two years is not likely to affect one group with a protected characteristic more than another. Property owners who could be charged the premium will be able to obtain advice from the Borough's Housing section and Kent County Council on how to bring their property back in to use.

Under the current support scheme, claimants have to pay 15% of their total council tax liability. To reduce this amount further we would need either to raise council tax for everybody or cut services.

3 Do you think this amount should be:

- Kept at 15 percent – 46%
- Reduced so that claimants pay less council tax – 23%
- Increased so that claimants pay more council tax – 31%

The consequences of changing the amount of Council Tax Support for those groups with protected characteristics have not changed from the consultation which took place in 2013/14. Please refer to the 2013/14 consultation results for details of how these groups could be affected.

Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's [PSED Technical Guidance](#).

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	Low	Negative
Disability	Low	Neutral
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral

Pregnancy and maternity	Low	Negative
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups ¹	Low	Negative

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see PSED Technical Guidance). <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p>Summarise this conclusion in the body of your report</p>
---	--

Timing

- Having 'due regard' is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.
- The completion of the CIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed CIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed CIA.

Full technical guidance on the public sector equality duty can be found at:

http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf

This Community Impact Assessment should be attached to any committee or SMT report relating to the decision. This CIA should be sent to the Website Officer (Lindsay Oldfield) once completed, so that it can be published on the website.

¹ Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services

Action Plan

Issue	Action	Due date	Lead Officer	Manager	Cabinet Member
<i>Financial hardship for CTRS working age claimants</i>	<i>Further consultation work to be carried out in Quarter 2 2015/16</i>	<i>09/2015</i>	<i>Zoe Kent</i>	<i>Brian Planner</i>	<i>Cllr Duncan Dewar-Whalley</i>
<i>Drop in collection rate for Council Tax</i>	<i>The collection of Council Tax to be monitored throughout the financial year 2015/16</i>	<i>09/2015</i>	<i>Zoe Kent</i>	<i>Brian Planner</i>	<i>Cllr Duncan Dewar-Whalley</i>
<i>Financial hardship for residents with an empty property</i>	<i>Advice on alternative help to be sent out with Council Tax bills and adjustment notices</i>	<i>03/2015</i>	<i>Zoe Kent</i>	<i>Brian Planner</i>	<i>Cllr Duncan Dewar-Whalley</i>

Actions in this action plan will be reported to the CIA group once a quarter, so updates will be required quarterly.