

# 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](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](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 to 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

<b>Lead officer:</b>	<i>Zoe Kent</i>
<b>Decision maker:</b>	<i>Council</i>
<b>People involved:</b>	<i>Zoe Kent</i>
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	<ul style="list-style-type: none"> <li>• <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></li> <li>• <i>We are required to review this scheme before 31 January of the financial year.</i></li> </ul>
<b>Date of decision:</b> The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	<i>Pre – consultation SMT – 3`May 2016  Cabinet – 25 May 2016</i>
<b>Summary of the decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p><i>What are the aims and objectives?</i></p> <ol style="list-style-type: none"> <li><i>1. To provide help towards Council Tax as a localised Council Tax Support scheme to those on a low income in the Borough</i></li> <li><i>2. 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 2015</i></li> <li><i>3. 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></li> <li><i>4. Support vulnerable people</i></li> <li><i>5. Support claimants back into work</i></li> </ol> <p><i>What are the key actions?</i></p> <ul style="list-style-type: none"> <li>• <i>Providing a scheme that supports those claimants on a low income</i></li> <li>• <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></li> <li>• <i>Continuing to design and deliver services to meet the needs of vulnerable customers</i></li> <li>• <i>Consider user feedback, engagement and consultation when designing the scheme</i></li> </ul> <p><i>What are the expected outcomes?</i>  <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>  <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>  <i>7,025 working age claimants will be affected by the changes to the scheme (11.4% of all Council Tax account holders).</i></p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> <li>• Include information on how the decision will affect people with different protected characteristics.</li> </ul>	<p><b><i>Changes since 2013</i></b></p> <p><i>Since the introduction of Council Tax Support the overall scheme adopted by the Council has remained broadly the same, with only applicable amounts and non-dependant charges being uprated as well as minor changes being made to mirror changes to the Housing Benefit scheme. Central Government has also continued to uprate changes to applicable amounts for pension age applicants, again to mirror the changes in Housing Benefit.</i></p>

### **The Proposed Scheme for 2017/18**

*It has now been decided by the Council that a full review should be undertaken as to the effectiveness of the current Council Tax Support scheme; and a public consultation should be undertaken to gather views as to whether the current scheme should be changed. The Council is minded to make 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.*

*Through work undertaken by the Kent Finance Officers' Group, the Council has identified a number of proposed changes to the current scheme and 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 Council Taxpayers and other stakeholders.*

*The Council will also seek feedback through the consultation as to whether further increases in council tax, cuts to services and use of limited savings should be considered as an alternative to changing the Council Tax Reduction Scheme. Changes such as those in points 1 to 3 below may affect all residents in the Borough and across Kent.*

- 1. Should Council Tax be increased for all Council Taxpayers?*
- 2. Should Council reserves be used to fund the scheme?*
- 3. Should there be further cuts to Council services?*

*4. The Council proposes to maintain a similar methodology as in the past. Any changes, if adopted, will be effective from 1st April 2017. The proposed options to change the scheme, subject to the consultation, will be as follows:*

- a. Should an increase be made in the minimum payment of Council Tax made by recipients of Council Tax Support? Views will be obtained as to whether the current minimum payment of 15% should be increased to 18.5% or 20%.*
- b. Should Second Adult Rebate be removed? Second Adult Rebate is a reduction assessed on the income of another adult residing in the property regardless of the income or capital of the person liable for Council Tax.*
- c. Should Child Benefit and Child Maintenance payments which are currently disregarded in the calculation of CTs be included as income?*
- d. Should a standard charge of £15 for non-dependants who live in a property be introduced? Currently deductions range from £0.00 to £11.45.*

e. Should the scheme set a minimum level of income for all Self Employed claimants (after a start up period of one year)? This could be equivalent to National Minimum (Living) Wage multiplied by 35 hours per week (16 hours for part-time workers) or similar.

f. Should the scheme be amended to align with Housing Benefit Regulations and the Pension Age Council Tax Support scheme?

Namely that:

i. Family Premium will not be granted for all new claims and for any 'new' families;

ii. The backdating for claims should be limited to a maximum of one month;

iii. The 'temporary absence rules' should be introduced where an applicant leaves Great Britain for a period of greater than 4 weeks? (certain exceptions would be applied for armed forces personnel, mariners, and for certain cases where an applicant is receiving care);

iv. the number of dependant additions granted in the calculation should be restricted to a maximum of two (This change will have specific exceptions and will only affect those applicants who have a third or subsequent child on or after 1st April 2017);

v. The Work Related Activity Component, enhancing Employment Support Allowance will not be granted when calculating Council Tax Support.

5. The Council proposes that the scheme should include a targeted Exceptional Hardship policy that would provide applicants with the ability to request additional help if they can demonstrate that they are suffering exceptional hardship. Do you agree that there should be the ability to apply for additional assistance in the case of exceptional hardship?

### **Scope of the Community Impact Assessment**

A full Community 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 by the Council.

Please note that Pensioner protection will be achieved by keeping in place national rules, which broadly replicate the current council tax benefit scheme, which existed prior to 1st April 2013.

The Council must give consideration to the effects of the options on working age claimants, in particular, vulnerable groups.

Central Government has not been prescriptive in how it does this but points to the Council's 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 the view of taxpayers.

	<p><b>Stakeholders Methodology</b></p> <p>1. Existing claimants (both working age and pensionable age Web based questionnaire Claimants to be directly notified of consultation Hard copy documents to be provided as necessary</p> <p>2. Council taxpayers and service users generally Web based questionnaire Hard copy documents to be provided as necessary</p> <p>3. Interested organisations and groups. Web based questionnaire Organisations with significant interest to be notified directly Hard copy documents to be provided as necessary</p> <p><b>General Awareness</b></p> <p>Provision of information and awareness raising of changes and proposals News releases Face to face communication at customer service points Information in libraries/surgeries and other public venues The Council's Website and Social Media</p> <p><b>Analysis and Assessment</b></p> <p>A full analysis and assessment will be made after public consultation. Details of responses will also be provided as part of the second stage Equality Impact Assessment.</p>
<p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>• Has there been specific consultation on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	

<p><b>Is the decision relevant to the aims of the equality duty?</b> Guidance on the aims can be found in the EHRC's <a href="#">PSED Technical Guidance</a>.</p>	
<b>Aim</b>	<b>Yes/No</b>
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.

<b>Characteristic</b>	<b>Relevance to decision High/Medium/Low/None</b>	<b>Impact of decision Positive/Negative/Neutral</b>
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 <sup>1</sup>	Low	Negative

**Conclusion:**

- 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](#)).

Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.

**Summarise this conclusion in the body of your report**

**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](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.**

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<sup>1</sup> 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

<b>Issue</b>	<b>Action</b>	<b>Due date</b>	<b>Lead Officer</b>	<b>Manager</b>	<b>Cabinet Member</b>
<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.