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[1] 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:	*Zoe Kent*
Decision maker:	*Council*
People involved:	*Zoe Kent*
Decision: • Policy, project, service, contract • Review, change, new, stop	• *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.* • *We are required to review this scheme before 31 January of the financial year.*
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	*Full Council – 22 November 2017*
Summary of the decision: • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected?	***What are the aims and objectives?*** 1. *To provide help towards Council Tax as a localised Council Tax Support scheme to those on a low income in the Borough* 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 2016* 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.* 4. *Support vulnerable people* 5. *Support claimants back into work* ***What are the key actions?*** • *Providing a scheme that supports those claimants on a low income* • *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.* • *Continuing to design and deliver services to meet the needs of vulnerable customers* • *Consider user feedback, engagement and consultation when designing the scheme* ***What are the expected outcomes?*** *To put in place a scheme that balances the needs of vulnerable claimants against the budget requirements of the Borough.* ***Who will be affected?*** *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.* ***How many people will be affected?*** *6,230 working age claimants will be affected by the changes to the scheme (10% of all Council Tax account holders).*

Information and research: • 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.	*Since 1st April 2013, the Council has maintained a local Council Tax Support scheme. This replaced the national Council Tax Benefit scheme, which ended on 31 March 2013.* *Council Tax Support helps provide support to council taxpayers who have a low income. It supports the taxpayers by providing a reduction in the actual amount in Council Tax payable.* *The 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 the Council to vary that part of the scheme is limited and can only enhance the national scheme in any event.* *When Council Tax Support was first introduced, Central Government provided a specified level of grant, which was approximately 10% lower than the amounts previously given (pre 1 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 the Council.* *After the original consultation, the Council decided to introduce a 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 91.5% in 2013/14 (due to an extra grant being received from DCLG), decreased to 85% from 2014/15 and 80% in 2017/18.* ***Changes since 2013*** *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.* *From April 2017 changes were made to the scheme including:* • *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.* *The changes brought in were:* 1. *Reducing the maximum level of support for working age applicants from 15 per cent to 20 per cent.* 2. *Removing the Family Premium for all new working age applicants* 3. *Reducing backdating to one month* 4. *Using a set income for self-employed earners after 18 months self-employment.* 5. *Reducing the period for which a person can be absent from Great Britain and still receive Council Tax Reduction to four weeks.* 6. *To introduce a standard level of non dependant deduction of £15 for all working-age claimants who have non-dependants*

	resident with them who work 16 hours or more per week. ***The Proposed Scheme for 2018/19*** *An annual review will be undertaken as to the effectiveness of the current Council Tax Support scheme; and a public consultation will be undertaken to gather views as to whether the current scheme should be changed. The review will ensure changes to the working age scheme meet the following:* • *to increase the more accurate targeting of support to those working age applicants who most need it;* • *to continue to align the scheme with proposed changes to Housing Benefit and Universal Credit; and* • *to address potential shortfalls in funding due to the continued reduction in Central Government grants.* *The Council sought 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 Support 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?* *The Council proposes to maintain a similar methodology as in the past. Any changes, if adopted, will be effective from 1st April 2018. The proposed options were put out to consultation, as follows:* *a. Should an increase be made in the minimum payment of Council Tax made by recipients of Council Tax Support? Views have obtained as to whether the current minimum payment of 20% should be increased to 22.5% or 25%?* *b. Should the capital limit be reduced from the existing £16,000 to £6,000 or £10,000?* *c. Should the maximum level of Council Tax Reduction payable be restricted to the equivalent of a Band D charge?* *d. Should a mechanism be put in place to limit the impact of changes to Universal Credit awards?* *e. Should we apply a tolerance to Universal Credit claims to avoid multiple changes?* *f. Should we disregard Bereavement Support payments inline with the Housing Benefit regulations?* ***Scope of the Community Impact Assessment*** *The following identifies the potential impact on claimants and particularly groups of claimants.* *It should be noted that Pensioners will continue to be protected under the rules prescribed by Central Government. These broadly replicate council tax benefit scheme, which existed prior to 1 April 2013.*

	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. *The Council has given consideration to the effects of the options on working age claimants, in particular, vulnerable groups.* ***Disability*** *Working age people with disabilities continue to make up a high proportion of the caseload at 25%. Working age people with disabilities receive more per week than working age people without disabilities on average, due to the design of the scheme that ignores certain disability benefits and awards higher applicable amounts.* ***Age*** *The age groups of person receiving CTS broadly reflect the overall population, the main difference being those between the ages of 18-24. This difference is probably caused by the lower applicable amounts for single claimants in this group reducing the amount of people who are entitled to CTS. Those aged 54-64 currently receive the highest weekly amount, on average. Those aged 18-24 currently receive the lowest weekly amount, on average.* ***Carers*** *There is a slightly higher proportion of claimants with a carer in the household, than the population generally overall (13%). Working age claimants with a carer in the household receive more per week, on average, than working age claimants without a carer in the household. The main reason for this is the treatment of both disability and care within the existing scheme.* ***Gender*** *Females continue to make up a high proportion of the caseload at 68%. Although, there is a difference between the average amounts females and males receive per week, this is due to factors relating to circumstances which directly affect the calculation of council tax reduction, and is not linked to a claimant's sex directly.* ***Ethnicity*** *This information is not collected from all claimants as it is not relevant to the calculation of council tax reduction.* ***Other protected characteristics*** *We do not collect information about the following characteristics from claimants as it is not relevant to the calculation of council tax reductions:* ▪ *Religion or belief* ▪ *Sexual orientation* ▪ *Gender reassignment* ▪ *Marital or civil partnership status* ▪ *Pregnancy or maternity* ***Actions to mitigate any identified impacts***

	The Council has an Exceptional Hardship Scheme; the design of this allows any claimant to apply for additional support. It examines their overall circumstances, examining both income and expenditure with a view to determining whether exceptional hardship exists. *Under the scheme, claimants will potentially be able to receive additional support up to the full level of their Council Tax.* ***Method of Consultation*** *The Council has used the following methods to obtain the view of taxpayers.* ***Stakeholders Methodology*** *1. Existing claimants (both working age and pensionable age Web based questionnaire* *Hard copy documents to be provided as necessary* *2. Council taxpayers and service users generally* *Web based questionnaire* *Hard copy documents to be provided as necessary* *3. Interested organisations and groups.* *Web based questionnaire* *4. Organisations with significant interest to be notified directly* *Hard copy documents to be provided as necessary* ***General Awareness*** *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* ***Analysis and Assessment*** *A full analysis and assessment will be provided*
Consultation: ▪ 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?	*Yes* *Results of the consultation can be found in Appendix I: CTS Scheme review of the consultation.* *Options 2 and 6 received a higher amount of responses in favour of accepting the changes across the protected characteristics. In the case of option 1 disabled responders had a higher positive response to the this option which asked whether the scheme should remain the same with the same level of support. This was also the case with the responses from those in receipt of CTS.* *A higher proportion of disabled responders and those in receipt of CTS did not agree with options 3,4 and 5.* *Those with a protected characteristic often receive a premium giving them extra help, e.g. a carer or disability premium, giving them higher levels of help towards their Council Tax payments.*

	Claimants with children will have less income for their living expenses and for caring for their children if they have to pay more towards their Council Tax.

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	Medium	Negative
Disability	Medium	Negative
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

Conclusion:	**Summarise this conclusion in the body of your report**
• 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	We have considered how all groups with protected characteristics will be affected by the scheme. As part of our consultation we asked responders their gender, age ethnicity, whether they considered themselves disabled and whether they claimed CTS. A breakdown of how they responded to the options is available in Appendix I: CTS Scheme review of the consultation. We also asked for comments on each option. Although the results show those with a disability and in receipt of CTS were more likely to respond negatively to the scheme in their comments about the options,

[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

implications that should be taken into account in the final decision, considering relevance and impact.	more than a third of disabled responders and CTS claimants agreed yes to every option. As in previous years schemes, those with a protected characteristic such as the disabled or those with children, receive a higher income (due to extra benefits being awarded to cover these costs) than a single claimant or couple especially those who are under 25. To mitigate these issues the Council provides a Section 13A discretionary hardship scheme. The evidence from the database of current claimants suggests that there could be some limited potential for the decision to impact more adversely on people with particular protected characteristics (primarily women and people with a disability than on people without those characteristics, and thus not to contribute to the advancement of equality of opportunity for people with and without protected characteristics. However, the adverse impact on individuals is relatively small, while the financial situation the council faces – and the associated implications for essential public services – suggest that this is the least intolerable option. This position is clearly supported by a majority of consultation responses, including those from current council tax support recipients.

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.

Action Plan

Issue	Action	Due date	Lead Officer	Manager	Cabinet Member
Views needed on the proposed scheme from claimants, residents and stakeholders	Consultation to be carried out - completed	09/2017	Zoe Kent	Amber Christou	Cllr Duncan Dewar-Whalley
Financial hardship for CTRS working age claimants	Further consultation work to be carried out in Quarter 2 2017/18 – completed	10/2017	Zoe Kent	Amber Christou	Cllr Duncan Dewar-Whalley
Drop in collection rate for Council Tax	The collection of Council Tax to be monitored throughout the financial year 20177/18	10/2017	Zoe Kent	Amber Christou	Cllr Duncan Dewar-Whalley
Financial hardship for residents with an empty property	Advice on alternative help to be sent out with Council Tax bills and adjustment notices	02/2018	Zoe Kent	Amber Christou	Cllr Duncan Dewar-Whalley

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