

Equalities Impact Assessment

Camden Council

What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

It is essential that you start to think about the EIA process before you develop any new activity or make changes to an existing activity (such as a change of policy or formal decision). This is because the EIA needs to be integral to service improvement rather than an ‘add-on’. If equality analysis is done at the end of a process it will often be too late for changes to be made.

The courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups.

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

If a staff restructure or organisational change is identified as necessary following the review of an activity then an EIA needs to be completed for both stages of the process, i.e. one when the activity is reviewed and one when the restructure or organisational change is undertaken.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA, the matters at hand may not lend themselves to some of the obligations, for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

Name of proposed decision/policy being reviewed:

Council Tax Reduction Scheme 2022/2023

Explanatory Notes

What is our Public Sector Equality Duty (PSED)

Under section 149 of the Equality Act 2010 (the Act/ EqA 2010) all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act (s149(1)(a));
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (s149(1)(b)); This involves having due regard to the need to:
 - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - o 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 (section 149(4)); and
 - o 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.
(Section 149(3), EqA 2010.)
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(c)). This involves having due regard, in particular, to the need to tackle prejudice and promote understanding (section 149(5), EqA 2010).

Section 149(6) makes it clear that compliance with the duties in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8)).

Section 146(4) states that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take into account of disabled persons' disabilities.

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation.

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.

- In meeting the needs of disabled people we have a duty to take account of their disability and make reasonable adjustments to our services and policies where appropriate. Under s29 of the Act a person (a “service-provider”) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service. In addition, a person must not, in the exercise of a public function that is not the provision of a service to the public or section of the public, do anything that constitutes discrimination, harassment or victimisation.
- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

What do we mean by “due regard”?

- This is not a question of ticking boxes, but should at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is “non-delegable” so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be mitigated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be “rigorous in both enquiring and reporting to them”
- The duty should be reconsidered if new information comes to light

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What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing”

Lord Justice Dyson

”

We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed

Section 1 - WHAT IS BEING ANALYSED?

Question 1: What is changing and why?

If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

The Council is **not** proposing any change to its Council Tax Support Scheme for the 2023/24 financial year, outside of prescribed regulation changes from Central Government that overarch the national pension scheme requirements and local working age scheme claimants that Councils have more flexibility to set the schemes for.

There are 3 main changes, with 2 being positive and one now excluding claimants from some countries from being eligible for the scheme.

The first main change is to uplift our income bands for working age claimants to reflect the latest London Living Wage rates, as per the policy agreed which means residents can earn more before amounts of CTS awarded is capped.

The second is to incorporate the prescribed regulation that disregards energy rebate payments from any assessment to Council Tax Support eligibility or the amount of relief awarded. This is a positive change as it means residents receiving support from this scheme to reduce the impact of rising energy costs do not see those payments treated as income or capital that could otherwise take them over income thresholds that would reduce or prevent them receiving support through the Council Tax Support scheme.

However, the third change is a national prescribed regulation change that removes the previous section 13 (2) (b) clause means that any CTS applicants from Turkey or Macedonia would be treated as non-EU and therefore excluded from our CTS scheme for both pensioners and working age claimants. This has a negative impact as it excludes any residents from these countries from being supported via the Council Tax Supports scheme.

This requires a Full Council decision.

The decision affects all working age and pensioner Council Tax Reduction claimants during the 2023/24 financial year. However, as the recommended decision is for only prescribed regulation changes to the current scheme in place since 2020/21, the only risk of a potential negative impact is for any current or future claimants of this reduction from Countries like Turkey and Macedonia. The increase of the London Living Wage reflected in the bands is a positive change that means a positive impact for the remaining residents who will be able to earn more before any capping of their awards or actual eligibility for the scheme itself is negatively impacted to reflect the higher cost of living in London than other areas of the country.

The scheme remains a fair, simple and affordable scheme. It also remains one of the most generous Council Tax Support schemes in the country with 71.2% of claimants receiving 100% support and not having to pay Council Tax.

Council Tax payers with no earnings or earnings less than the equivalent of 8 hours at London Living Wage (£95.60 per week from 22 September 22) will receive a 100% award. Above this level, awards will be based on a matrix of income bands with additional financial support for those with children or a disability.

Dependent deductions are not applied for household members aged under 25 years' old and those older than 25 and earning more than 8 hours of London Living Wage will be expected to pay a 30% contribution to council tax.

The period for a backdated award has increased from one month under the Council Tax Reduction

Scheme to the start date of the applicant's Universal Credit or passported benefit award.

Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

Section 2: PLANNING YOUR EQUALITY ANALYSIS

Question 2: Do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

Gather relevant equality data and information to show who will be affected by this decision and how. Set this out below. Include the results of any consultation or engagement. If you have identified any information gaps set out what these are.

There will be no impact for claimants not in employment, who will continue to receive 100% awards.

Under the scheme, couples and larger families in employment may receive a lower award. The impact would be off- set as these groups receive higher Universal Credit and Tax Credit awards. Single adults and lone parents may receive an increase in award as will those in the top half of the income bands.

Disabled claimants in employment will receive a higher discount

Younger adults (aged 18 to 24) will continue to benefit from the removal of non-dependent deductions for this group.

There is no change to the scheme for pensioners as this is prescribed by law therefore they are not included in this assessment.

Current working age caseload for Council Tax Support:

(1st October 2022)

Sex

	Total	Single	Single Parents
Male	5,937	4,431	185
Female	9,654	8,239	3,722
Not known	5	4	0
Total	15,596	12,674	3,907

Age

16-24	246
25-34	1,724
35-44	3,622
45-54	4,161
54-67	5,843

Total 15,596

Relationship Status

Single 12,674

Couple 2,922

Total 15,596

No. of Children per household

0 9,574

1 2,716

2 1,871

3 948

4 337

5 107

6 34

7 7

8 2

Total 15,596

Ethnicity

Census data 2011

White	White British	44%
	White Irish	3%
	Gypsy/Irish Traveller	0%
	White Other	19%
Mixed	White and Black Caribbean	1%
	White and Black African	1%
	White and Asian	2%
	Other Mixed	2%
Asian	Indian	3%

	Pakistani	1%
	Bangladeshi	6%
	Chinese	3%
	Other Asian	4%
Black	Caribbean	5%
	African	2%
	Other Black	2%
Other	Arab	2%
	Any Other Ethnic Group	2%

Disability

DLA	31
PIP	286
Carers	865
	1,182

Sexual Orientation

There are 168 same-sex couples claiming Council Tax Support

Notes to Question 2

- Here use data to show who could be affected by the decision. Consider who uses the service now and might use it in the future. Think about the social mix of the borough and of our workforce.
- If available use profile of service users and potential users / staff by protected groups: (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). You could consider the following:
 - Take up of services, by protected group if available;
 - Recommendations from previous inspections or audits;
 - Comparisons with similar activities in other departments, councils or public bodies;
 - Results of any consultation and engagement activities broken down by protected groups (if available) - sources could include, complaints, mystery shopping, survey results, focus groups, meetings with residents;
 - Potential barriers to participation for the different protected groups;
 - National, regional and local sources of research or data – including statutory consultations;
 - Workforce equality data will be provided by your HR change adviser for organisational change / restructure EIAs and
 - For organisational change / restructure EIAs include the results of any consultation or meetings with staff or trade unions.
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible.
- If there are gaps in equality information for some protected groups identify these in this section of the form and outline any steps you plan to take to fill these gaps. Consider:
 - Any relevant groups who have not yet been consulted or engaged;
 - Whether it is possible to breakdown existing data or consultation results by different protected groups;
 - If you are conducting an organisational change / restructure EIA and there are data gaps consider asking affected staff to update their details on Oracle.
- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.

Section 3: ANALYSING YOUR EQUALITY INFORMATION AND ASSESSING THE IMPACT

Question 3: Analysing the evidence outlined above, does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, advance equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

Please use this grid to summarise the impacts outlined above.

Protected group	Summarise any possible negative impacts that have been identified for each protected group and the impact of this for the development of the activity	Summarise any positive impacts or potential opportunities to advance equality or foster good relations for each protected group
Age	No change as scheme has not changed. A proportion of in-work claimants will continue to receive a lower award than in the Governments Default Scheme across all working age groups	A proportion of in-work claimants will receive higher award across all age groups. Claimants earning less than £95.60 receive a 100% award (an increase on £88.40 last year based on the previous London Living Wage figure). The ending of non-dependent deductions for under 25s will help the 18-24 become economically secure. Pensioner households are unaffected.
Disability	No change as scheme has not changed. A proportion of disabled in-work claimants will continue to receive a lower award than the Government Default Scheme	The proposed higher discount for disabled in-work claimants and carers. This will enable these claimants to deal with the additional costs due to their circumstances
Gender reassignment	None identified	None identified
Marriage and Civil Partnership	Couples in employment with no children are more likely to receive a lower discount than under the Government Default Scheme	None identified
Pregnancy and maternity	None identified	Maternity benefits are not being counted as income.
Race	Any current or future applicants from Countries like Turkey or	Camden's local discretionary section13a scheme for Council

	Macedonia would not be eligible for the scheme from 1 April 2023 because of the national prescribed regulation changes	Tax would allow us to reduce or remove any Council Tax charges on the grounds of financial hardship where a current or future claimant evidences this which is an avenue to use instead of Council Tax Support to circumvent the national regulation change.
Religion or belief	No impact.	
Sex	None identified	None identified
Sexual orientation	None identified	None identified

Only claimants with an income in excess of £95.60 will not receive a 100% award (this is an increase on the 86.80 limit in the 2022/23 scheme due to the London Living Wage increasing to the new £95.60 amount on 22 September 2022). This is a positive change as if we do not increase the amount from the £86.80 figure, our residents would see their incomes reduce in real terms as employers should be paying the revised minimum hourly London Living Wage but our scheme would punish the working age residents earnings that higher London Living Wage amount because it would push them into higher bands which would see relief awards fall or drop completely.

The scheme provides for a higher award to disabled claimants and those with children.

The Government's Default Scheme awards a higher amount to couples, including same-sex partners and larger families. Continuing Camden's current local scheme a higher percentage of claimants from this group will continue to receive a lower award. This may mean BAME households with traditionally larger families may be more affected by the continuation of the current scheme. However, they may also benefit from the removal of deductions for non-dependents under the age of 25.

There are a large number of single parents, the majority of whom are women. For this group of claimants, a far higher proportion receive a higher award under the Council Tax Support scheme.

Whilst there is limited information on ethnic origin outside of census data, there is evidence that there is a significant proportion of claimants from BAME within Camden.

Due to the coronavirus pandemic, the impact of the current scheme (implemented in 2020/21) on households in the last 2 years is difficult to track as people's circumstances have changed significantly. The current cost-of-living crisis is likely to see increased numbers of new claimants as businesses close, reduce numbers of staff or reduce hours to survive which will have an impact on our resident's financial stability. This is likely to see the same trend as during the peak of the coronavirus pandemic where we see large increases in claims in the coming months and year with more people entitled to 100% reductions.

The prescribed regulation change to ignore energy rebate payments is a positive change as it prevents us having to treat any main scheme or discretionary payments awarded to those experiencing hardship from being treated as income which would then reduce the amounts of Council Tax Support they would receive to reduce their Council Tax charge.

The issue caused by the prescribed regulations changes from central government nationally that means Camden residents from countries such as Turkey and Macedonia are no longer eligible for the Council Tax Support scheme are overcome by the fact Camden has a discretionary section 13a scheme under Council Tax that will allow us to consider reducing or clearing any Council Tax charge where these households can demonstrate financial hardship. Therefore, we have the capacity locally to potentially prevent any adverse impact as a result of the prescribed regulation changes we have to adopt into our CTS scheme through that route.

Notes to Question 3

- Here, think about our other duties and how the proposals may impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding services who work to prevent discrimination
- Does take up of the activity differ between people from different protected groups?
- Have the outcomes of your consultation and engagement results identified potentially negative or positive impacts?
- Are some groups less satisfied than others with the activity as it currently stands?
- Is there a greater impact on one protected group, is this consistent with the aims of the activity?
- For organisational change / restructures analyse the outcomes of consultation with staff and trade unions and analyse the staff data provided by your change adviser
- If you have identified negative impacts include details of who these findings have been discussed with (e.g. Legal, HR) and their views
- Are there any further changes that could be made to deliver service improvements or make the activity more responsive?

Section 4 – PLANNING FOR IMPROVEMENT

Question 4: If there is an adverse impact, can it be avoided? If it can't be avoided, what are we doing to mitigate the impact?

The Council will continue to liaise with voluntary sectors groups campaigning on poverty-related issues and groups representing the disabled and ethnic minorities.

The Council will continue to work with the voluntary sector to provide employment and training advice for parents and couples on how to increase their earnings.

The Council will also continue to provide advice on how to access registered childcare. The cost of registered childcare can be offset against the claimant's earnings.

The Council uses our discretionary hardship fund for claimants adversely impacted by the continuation of the current scheme in place since 2020/21.

The Council Tax recovery process will take in to account the additional hardship faced by claimants on low income and take steps to reduce the recovery action taken against these groups. The Council has already ceased using enforcement agents to collect outstanding Council Tax debts owed by households in receipt of Council Tax Reduction.

The Council Tax Support scheme assists young adults aged under 25 years old, as there are no non-dependent deductions for this age group. This will encourage young adults to obtain employment without a financial loss to their parents or the Council Tax-charge payer for the property they are living in.

The separate section 13a discretionary Council Tax discount policy allows Camden to reduce or clear any residents' arrears where the experience financial hardship. Therefore, the exclusion (due to prescribed regulation changes from central government) of residents from certain countries from being eligible for our Council Tax Support scheme going forward can be overcome through utilizing that separate policy where financial hardship is evidenced by the resident.

Should any government schemes be introduced relating to the ongoing cost-of-living crisis during 2023-24 that are not covered by prescribed regulations that allow us to ignore the payments in assessing applicable award amounts, our section 13a discretionary Council Tax policy will allow us to consider awards on the grounds of financial hardship to offset any impact these have on Council Tax Support awards.

Notes to Question 4

- Assuming there is an impact, what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

Question 5: Could any part of the proposed activity discriminate unlawfully?
Can we advance equality of opportunity via this decision/policy?
Can we foster good relations via this decision/policy?

No part of the current Council Tax Reduction scheme, proposed to be extended into the 2023/24 financial year, discriminates unlawfully. The negative impact relating to residents in the borough who came from some non-EU countries, that were removed by prescribed regulation by central government from being eligible for Council Tax Support, can be supported via the separate Council Tax Section 13a discretionary relief scheme where no such restriction applies and allows us to assess a discretionary discount or clearance of any Council Tax owed where the resident demonstrates financial hardship. As the change to the Council Tax Support scheme is prescribed regulation we have no option but to adopt the change and look to use Section 13a to mitigate any impact for any current or future residents from those Countries affected. The scheme continues to bring increased fairness as those on Universal Credit and legacy benefits will be treated the same.

Having no non-dependent deductions for young adults ages under 25 years old will encourage this group to take up paid employment.

Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Explain this briefly in the box above. The important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this does not apply to marriage and civil partnership). **This is a “positive duty”** which requires public authorities to consider taking proactive steps to root out discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors.
- **The legislation requires when we have due regard in terms of advancing equality of opportunity to:**
 - a. **Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it**
 - b. **Take steps to meet the different needs of those who share a characteristic**

c. Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.

- Advancing opportunity includes the fact that the steps needed to meet the needs of disabled persons take into account the disabled persons' disabilities
- We are required to have "due regard" to the need to foster good relations between people who share a relevant protected characteristic and people who do not share it. This involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Examples

- An employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- A school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- Local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi'a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- Our work to encourage Bangladeshi tenants involvement in TA's.

Section 5 – OUTCOME OF THE EIA

Use this stage to record the outcome of the EIA. An EIA has four possible outcomes.

Outcome of analysis	Description	Select as applicable
Continue the activity	The EIA shows no potential for discrimination and all appropriate opportunities to advance equality and foster good relations have been taken.	<input checked="" type="checkbox"/>
Change the activity	The EIA identified the need to make changes to the activity to ensure it does not discriminate and/ or that all appropriate opportunities to advance equality and /or foster good relations have been taken. These changes are included in the planning for improvement section of this form.	<input type="checkbox"/>
Justify and continue the activity without changes	The EIA has identified discrimination and / or missed opportunities to advance equality and / or foster good relations but it is still reasonable to continue the activity. Outline the reasons for this and the information used to reach this decision in the box below.	<input type="checkbox"/>
Stop the activity	The EIA shows unlawful discrimination.	<input type="checkbox"/>
Comments (if required):		

Section 6 – CHECK AND SIGN OFF

EIA prepared by: Mark Stewart – Head of Council Tax, Business Rates and Benefits

Date: 24 November 2022

EIA checked by: _____

Date: _____

EIA approved by: _____

Date: _____

(Relevant Director Sponsor)

What to do upon approval

For organizational change: If your EIA relates to internal staff, please send to your HR Business Adviser.

For all other EIAs: Please add to the discussion on the [Equalities in Camden](#) Yammer group, you can do this by using the “Share something with this group..” box, attaching your draft to your message.