

# 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.

The Council has a strong tradition of ensuring equality both in terms of service delivery and within its workforce. To help us maintain this tradition 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. 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 of 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.

\*Please read the notes at the end of this document.

Name of proposed decision/policy being reviewed: Council Tax Reduction Scheme 2018/19

### 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?

**[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]**

The Council is required to review its Council Tax Reduction Scheme on an annual basis and agree a scheme for the following financial year by the 30<sup>th</sup> January.

From April 2017, the maximum award was increased to 100% of Council Tax. This means that residents not in employment or on low incomes no longer have to pay any Council Tax.

The proposal is to not make any changes to the scheme in 2018/19.

Since April 2013 the Council has had the power to set its own Council Tax Reduction Scheme for working age people. Pensioners continue to receive the same discount they would have received from Council Tax Benefit.

From April 2013 to April 2017 working age claimants could be awarded a maximum discount of 92.5%

The objective of this policy is to deliver a Council Tax Reduction Scheme for the residents of Camden within the reduced funding that from Central Government.

To endeavor as far as reasonable/proportionate to ensure that the implementation of any scheme does not adversely impact one group more than any others

To give consideration to vulnerable groups, but to make sure that this does not disproportionately add to the burden of those left to pay.

To design a scheme in which the amount of support awarded can be adjusted year on year to ensure that any further gaps in funding are met in the future

To ensure the scheme is delivered on time and meets government requirements, compliance with legal duties, local policy priorities and software constraints

## 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.

## Question 2

Who will be affected by this decision and how?

In particular, do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]

This decision will affect all households with a Council Tax liability.

Whilst the Council Tax Reduction Scheme gives a discount to all households not in employment or on a low income, the scheme mirrors the Housing Benefit Scheme in giving a higher applicable amount to families and households containing a disabled person.

The breakdown of working age households claiming a Council Tax Reduction is as follows:-

Total No. of CTRS Awards	– 15,126
Total No. of Families	– 7,232
Total No. of Children	– 14,428
Total No. with Disability Premium	- 1,300

Given the universal nature of the scheme, there is no direct or indirect discrimination.

## 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 license for ID purposes.

### Question 3

Does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, promote equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

By eliminating, the need for resident's not in employment or on low income to pay Council Tax the policy has positive impact on the Council's duty to eliminate discrimination and promote equality of opportunity by making it more affordable for these household to live in the borough.

### Notes to Question 3

- Here, think about our other duties (see the notes at the end) and do the proposals 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?

#### Question 4

If there is an adverse impact, can it be avoided?

If it cannot be avoided, what are we doing to mitigate the impact?

**[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]**

There are no adverse impacts to maintaining the maximum Council Tax reduction at 100%



## 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?

**[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]**

No part of the Council Tax Reduction Scheme could lead to unlawful discrimination.

By eliminating the need for residents not in employment or on low income to pay Council Tax the policy has a positive impact on the Council's duty to eliminate discrimination and promote equality of opportunity by making it more affordable for these households to live in the borough.

## 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.

EIA prepared by: Alan Porter – Head of Benefits \_\_\_\_\_

Date: 18<sup>th</sup> October 2017 \_\_\_\_\_

EIA checked by: \_\_\_\_\_

Date: \_\_\_\_\_

EIA approved by: Kate Robertson Director of Customer Services \_\_\_\_\_

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 upload onto Sharepoint via this link:  
<http://teams.lbcamden.net/projects/equality/Pages/Home.aspx>

# Explanatory Notes

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## What is our Public Sector Equality Duty (PSED)?

Under section 149 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; EqA 2010 (section 149(1)(a)).
2. To advance equality of opportunity between people who share a relevant protected characteristic and those who don't; 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(6)** makes it clear that compliance with the PSED 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 EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8))).

### (Section 149(3), EqA 2010.)

3. Foster good relations between people who share a relevant protected characteristic and those who don't (section 149(1)(c)) (which involves having due regard to the need to tackle prejudice and promoting understanding) (section 149(5), EqA 2010)..

**Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, 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.
- 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 be 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 eliminated 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**

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