

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. 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 2020/21

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 (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 s26 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 it 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

“

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

STAGE ONE - 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?

[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 being asked to approve a Council Tax Reduction scheme for the financial year 2020/21.

Council Tax Reduction awards have been completed using the same data as Housing Benefit awards. There will be fewer Housing Benefit claims as new claimants now claim Universal Credit. This will lead to a reduction of Government funding for processing benefit claims from £1.8m to £500k.

The aim of the proposed Council Tax Reduction Scheme is to have a scheme that is simpler to administer but is still fair to claimants.

The Council will maintain current levels of award but significantly reduce administrative costs.

Changes to the Council Tax Reduction Scheme will affect working-age residents with no or very low incomes.

There will be no changes to Council Tax Reduction awards to pensioners.

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

STAGE 2 – PLANNING YOUR EQUALITY ANALYSIS

Read the notes to Question 2

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.

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.]

Consider each protected group:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual orientation

Consultation and Engagement

Age

The groups below were contacted during the consultation:

Say what the groups said.

Say what the individuals said.

Any key themes?

Disability

The groups below were contacted during the consultation:

Say what the groups said.

Say what the individuals said.

Any key themes?

Gender reassignment

The groups below were contacted during the consultation:

Say what the groups said.

Say what the individuals said.

Any key themes?

Pregnancy and maternity

The groups below were contacted during the consultation:

Say what the groups said.

Say what the individuals said.

Any key themes?

Race

The groups below were contacted during the consultation:

Say what the groups said.

Say what the individuals said.

Any key themes?

Religion or belief

The groups below were contacted during the consultation:
 Say what the groups said.
 Say what the individuals said.
 Any key themes?

Sex/gender

The groups below were contacted during the consultation:
 Say what the groups said.
 Say what the individuals said.
 Any key themes?

Sexual orientation

The groups below were contacted during the consultation:
 Say what the groups said.
 Say what the individuals said.
 Any key themes?

The majority of households are liable to pay Council Tax. Of these approximately one quarter are awarded a reduction as they have no income or a very low income.

Sex

Claimants	Total	Single	Parents	Couple	Parents
Male	5,686	4,233	170	1,453	1,121
Female	9,233	7,710	3,728	1,523	1,238
Not Known	33		11		
Total	14,952	11,944	3,909	2,977	2,359

Age

Age	Claimants
16-24	228
25 – 34	1,825
35 – 44	3,778
45 – 54	4,787
55 – 67	4,334
Total	14,952

Commented [RA1]: I assume this will be removed before it's published?

Ethnicity

From Census Figures for Camden

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%

Dependent Children

Children	Claimants
0	8,689
1	2,479
2	2,005
3	1,098
4	461
5	159
6	43
7	14
8	4
Total	14,952

Disabled Claimants

	Claimants
Disabled Living Allowance	145
Personal Independence Payment	451
Carers' Allowance for family member	210
Total	806

Sexual Orientation

There are 15 same-sex couples claiming Council Tax Reduction

Impact

The majority of Council Tax Reduction claimants will not be affected by the proposed changes, as the proposed scheme will award a 100% discount to all claimants earning less than £84.40 per week.

Only claimants with an income in excess of £84.40 will not receive a 100% award.

Across each income band, generally those in the top half of the band will get a higher award and those in the bottom half will get a lower award. The scheme provides for a higher award to disabled claimants, so the impact will not be as great.

The current Council Tax Reduction Scheme awards a higher amount to couples, including same-sex partners and larger families. Under the proposed scheme a much higher percentage of claimants from this group will receive a lower award.

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

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

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.

Question 3

STAGE 3- ANALYSING YOUR EQUALITY INFORMATION AND ASSESSING THE IMPACT

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)?

The proposed scheme will have a greater impact on larger families, whose earnings are greater than £84.40 per week. However, the impact is mitigated as larger families will have a greater entitlement to Tax Credits, Child Benefit and the family element of Universal Credit.

Couples earning more than £84.40 per week will see a greater reduction in entitlement than a single person with a similar income.

The new scheme will assist young adults aged under 26 years old, as there will be 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.

Equality impact summary

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	A proportion of in-work claimants will receive a lower award across all age groups	A proportion of in-work claimants will receive a higher award across all age groups. Claimants earning less than £84.40 will receive a 100% award.
Disability	A proportion of disabled In work claimants will receive a lower award	The scheme make a higher award to claimants in receipt of disability benefits or caring for disabled family members.
Gender reassignment	No impact	
Marriage and Civil Partnership	A higher proportion of couples, especially those with larger families, will receive a lower award	
Pregnancy and maternity		Maternity benefits will not be counted as income.
Race	A proportion of in-work claimants will receive a lower award across all age groups.	A proportion of in-work claimants will receive a higher award across all age groups. Claimants earning less than £84.40 will receive a 100% award.
Religion or belief	No impact.	
Sex	A proportion of in-work claimants will receive a lower award across all age groups.	A proportion of in-work claimants will receive a lower award across all age groups.
Sexual orientation	There are a small number of same-sex couples who may receive a lower award.	

Notes to Question 3

- Here, think about 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?

Question 4

STAGE 4-PLANNING FOR IMPROVEMENT

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

If it can't 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.]

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

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

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

The Council will establish a hardship fund for claimants adversely impacted by the proposed changes.

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 new scheme will assist young adults aged under 26 years old, as there will be 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.

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 proposed Council Tax Reduction scheme discriminates unlawfully.

The decision to abolish non-dependent deductions for young adults ages under 26 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.

STAGE 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.	X
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.	
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.	
Stop the activity	The EIA shows unlawful discrimination.	

STAGE 6 –CHECK AND SIGN OFF

EIA prepared by: Alan Porter

Date: _____

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 upload onto Sharepoint via this link: