

Equality and Fairness Analysis

Scoping and findings report – Transitional Scheme

Officer responsible for equality and fairness analysis	Bill McCafferty Revenues and Benefits Manager	
Officer responsible for policy development	Bill McCafferty Revenues and Benefits Manager	
Policy area	Revenues and Benefits	
Service area responsible for implementing the policy	Benefits	
Originator (if not the Council)	Central Government	
Is the policy proposed (new) or existing?	New	
Is it an EBC policy or a partnership initiative?		Partnership (with East Sussex Councils and ESCC)
Key people involved in the policy development and its implementation	Ian Fitzpatrick, Senior Head of Community Bill McCafferty, Revenues & Benefits Manager Representatives from East Sussex Districts and Boroughs Representatives form East Sussex County Council	
Decision making bodies the policy will be referred to	Cabinet – December 2012	

	Council – January 2013
Snr/Head of Service	Ian Fitzpatrick
Date of Equality and Fairness Steering group	

Policy = the full range of our policies, practices, activities, projects, procurement and decisions, whether it is formally written down or whether it is informal custom and practice. This includes all existing policies and any new policies under development.

Title of policy	Local Council Reduction Scheme (Transitional Grant)
What is the purpose of the policy and why is it needed?	
<p>The Government has decided that there will no longer be a national Council Tax Benefits scheme from 1 April 2013. Instead the council will need to introduce its own local Council Tax Support scheme.</p> <p>The Local Government Finance Bill (The Bill) imposes a duty on billing authorities (Eastbourne Borough Council) to adopt a LCTS scheme by 31 January 2013 and to consult with major preceptors and other such persons as it consider likely to have an interest in the scheme. If the billing authority does not adopt a local scheme by 31 January the government will impose on them the 'Default Scheme'. A billing authority can, if it so choses, adopt the Default Scheme as its local scheme.</p> <p>The Bill specifies that before adopting a scheme the billing authority must, in the following order:</p> <ul style="list-style-type: none"> • Consult any major precepting authority • Publish a draft scheme • Consult other such persons as it considers likely to have an interest in the operation of the scheme. <p>The Government's assumption following the last Comprehensive Spending Review is that there will be a 10% reduction in expenditure through these changes from 1 April 2013 and that it will be for local authorities to determine how to manage that funding reduction. Eastbourne Borough Council will receive approximately £1m less money from Government as a result of this change.</p> <p>Currently Council Tax Benefits is a national scheme for low income households. You may get Council Tax Benefit if you pay Council Tax and your income and capital (savings and investments) are below a certain level. You may apply whether you rent or own your home, or live rent-free. You could qualify if you are out of work, or in work and earning a wage. Individuals apply for Council Tax Benefits through a single application process for Housing & Council Tax Benefits. It you are eligible for council tax benefits you will receive a reduction in your council tax bill and the council receives grant to pay for this.</p>	

The government has stated that council tax support for older people will not be reduced as a result of the introduction of this reform. This is because the government wants to ensure that low income pensioners, who would struggle to pay council tax without additional support, and whom the government does not expect to work to increase their income, will continue to receive support for their council tax. Pensioner protection will be achieved by keeping in place national rules.

The council needs to give consideration to vulnerable groups in the design of a new system. The government's consultation response appears to be less prescriptive about how this should be done than perhaps originally envisaged. Rather the government draws councils' attention to existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996, as well as the public sector duties in section 149 of the Equality Act 2010.

The scheme will determine how much support people will receive to help them pay their council tax.

Following on from the Department of Communities and Local Government's announcement of a £100m transitional fund available if a council adopted a scheme that met certain criteria, an Option 2 of the draft scheme was developed.

The difference between Option 1 (The consulted scheme) and Option 2 (The Transitional Scheme) is that Option 2 does not introduce a maximum award of £20 per week, does not reduce the capital limit to £6,000 and it reduces the increases in non-dependant deductions.

The Department for Communities and Local Government (DCLG) have also completed an Impact Assessment for the implementation;

<http://www.communities.gov.uk/publications/localgovernment/lgfblocalisingcounciltax>

In what context will it operate and who is it intended to benefit?

The scheme will operate as a means tested discount to be set against a person's council tax liability. The scheme is intended to give support to those people most in need of financial assistance towards paying their council tax.

Working age claimants will be able to apply for CTS, however they may get less support than they would have done if the CTB scheme had not been abolished. The proposed scheme, based largely around the current CTB regulations, reduces the amount of support some people can get. The draft scheme proposes:

- To abolish the Second Adult Rebate Scheme
- To increase the level of non-dependant deductions
- To implement a minimum award of £5.00 per week, so that anyone who qualifies for less than £5 per week does not receive any support at all.

What are the expected outcomes of the policy?

That people are able to meet their council tax liabilities.
 That pensioners are protected.
 That the scheme incentivises work.
 That the vulnerable are protected.

Which protected groups will it affect the most?

Considering who the policy is intending to benefit and what the expected outcomes are, assess each characteristic and indicate whether the policy has 'M' more or 'L' less relevance and circle those that apply.

Age	M	L
Disability	M	L
Gender reassignment	M	L
Marriage and civil partnership	M	L
Maternity and pregnancy	M	L
Race	M	L
Religion or beliefs	M	L
Sex	M	L
Sexual orientation	M	L

Which parts of the PSED¹ is it relevant to?

Use the same assessment as for protected groups.

1. Eliminate discrimination, harassment and victimisation	M	L
2. Advance equality of opportunity	M	L
3. Foster good relations	M	L

Equality Information

List all the sources of information you have gathered and will use to evaluate the effectiveness, or potential effectiveness, of the policy. Include evidence gathered from engagement.

Data taken from the current Council Tax Benefit caseload as at 13 November indicated that 487 people would get less benefit under the proposed draft Option 2 scheme than they get under the current Council Tax Benefit scheme. Further analysis done during December showed that 17 people had stopped

¹ Public Sector Equality Duty – for further information refer to the guide on same

getting Council Tax Benefit.

The average loss under the Consultation scheme was £4.60 per week, ranging from 2p to £11.10 per week. The table below shows the spread of losses:

Loss per week	No. affected
under £1	145
£1.00 to £1.99	83
£2.00 to £2.99	89
£3.00 to £3.99	63
£4.00 to £4.99	52
£5+	38
	470

Those affected broken down by age bands

By age	Number
18-24	15
25-34	68
35-44	121
45-54	190
55-61	76
	470

Those affected by disability

Disability	Nos.
Yes	48
No	422
	470

Those affected by sex

By sex	No.
Female	363
Male	107
	470

It should be noted that the 'sex' refers only to the claimant. There are 113 couples of the 470 affected.

Those affected by race

By race	Nos.
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Asian or Asian British: Bangladeshi	3
Asian or Asian British: Indian	1
Asian or British : Any other Backgrnd	2
Black-Black British:Caribbean	1
Black-Black British:Other	1
Mixed: White and Black African	1
Mixed: White and Black Caribbean	2
White: Any other White background	7
White: British	77
No data held	375
	470

No data could be gathered for the other protected characteristics i.e. gender reassignment, religion or belief, sexual orientation or maternity & pregnancy.

Although not relevant from an Equalities point of view the breakdown by Council Tax Band is below.

By Council tax Band

Band	No.
A	69
B	229
C	113
D	38
E	17
F	3
G	1
H	0
	470

Are there gaps in this information and if so, what are these?

For instance, do you have information that is sufficient for the purpose of evaluating the effectiveness of the policy against all protected characteristics?

We are able to identify, from current Council Tax Benefit data, those people of working age who will be affected by the policy.

Current Council Tax Benefit data does not hold information on:

- Gender Re-assignment
- Maternity and Pregnancy
- Religion or Beliefs
- Sexual Orientation

None of these characteristics have any relevance when it comes to determining a person's entitlement to Council Tax Support.

What steps did you take, or are you intending to take, to fill these gaps?

Depending on the purpose of the policy it may prove useful to engage with service users, employees, equality/involvement groups/organisations and other interested parties etc.

As can be seen above, we have been able to segment the 470 affected cases by race and disability.

We have consulted widely on the scheme with a formal 12 week consultation ending on 2 November 2012. The consultation survey was posted on the Council website:

- Background information and a brief description of the Council Tax Benefit scheme
- current and future central government funding arrangements
- A statement that pensioners are protected from the changes and that working age claimants are most likely to be affected
- A summary of three possible scheme options, including the proposed scheme
- An introduction and explanation to each question relating specifically to the proposed scheme.
- Examples of how current claimants would be affected by the proposed scheme
- An easy read version of the draft scheme
- A pre-consultation Equalities Impact Assessment

In addition to the website various interested parties were contacted to advise them of the consultation and encourage them to take part.

We have delivered a presentation on the change to the Disability Involvement Group and have met to discuss the change with the local Citizens Advice Bureau.

Part way through the consultation exercise a review of the responses was undertaken. The review showed that, apart from there being a low response overall, even of those who had responded working age people who were currently in receipt of council tax benefit were underrepresented. To try and increase the number of responses from this group we wrote to every working age recipient of CTB encouraging them to take part.

There were 170 responses to the consultation and several hundred comments made. The results from the consultation are attached as Appendix A to the Council Report of 16th January and the comments as Appendix B.

In summary the majority of respondents were in favour of all the principles and proposals, with a smaller majority being in favour of the doubling on non-dependant deductions and the reduction of the capital limit to £6,000.

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What does all the information gathered tell you about the policy?

I.e. does the policy miss opportunities to advance equality and foster good relations?

The majority of respondents to the consultation were in agreement with the proposed changes. The policy attempts to fill part of the funding gap, whilst at the same time protecting the most vulnerable eg by retaining disability premiums within the scheme.

Based on your evidence and engagement is there a need to balance conflicting views and how will you do this?

You will need to find an appropriate balance for these groups and the policy in question.

Due to the government protecting pensioners (ie those who have attained the age whereby they can claim Pension Credit), the 10% cut in funding has to fall on those of working age ie those who have not reached the age where they can claim Pension Credit.

Is there a need to counter resentment or address inaccurate perceptions, if so what will you do?

This is more likely to arise in regard to policies that justifiably benefit certain groups over others and so give the impression of 'favourable treatment'.

There may be the feeling from working age claimants that they are being singled out for cuts in support. However, there is nothing the council can do about this, as the government has prescribed that pensioners are to be protected from any cuts. To achieve this, the government has set the rules on how claims from pensioners are to be dealt with.

Findings of your analysis

Having gathered in all the evidence and considered the potential or actual effect

of the policy on equality, you should now be in a position to make an informed judgement about what should be done with the policy. There are four main steps to take:

1. No major change – the policy is robust and evidence shows no potential for discrimination and all opportunities to advice equality and foster good relations between groups has been taken;
2. Adjust the policy - some steps need to be taken to remove barriers in the policy or to better advance equality;
3. Continue the policy – you will adopt the policy despite any adverse effects or missed opportunities because you are satisfied that it does not unlawfully discriminate – you will need to document what the justification is for continuing the policy, and how you reached this decision;
4. Stop and remove the policy – there are adverse effects that are not justified and cannot be reduced.

Irrespective of the step you recommend you are required to provide documentation in support of your decision and the reasons why you made it together with all supporting equality information used.

Please type 'recommended course of action' against the desired step below.

No major change	
Adjust the policy	This is the recommended scheme.
Continue the policy	
Stop and remove the policy	

Proposed action plan in regard to policy implementation	
Quality checking: What was the outcome of the Corporate Equality and Fairness Planning Group?	
How will you implement any recommendations the group made?	The scheme has to be adopted by the Council by 31 January 2013. Any recommendations made after this date will be considered during the review stage.
How will the policy be monitored once implemented, and who will do this? Consider how you will determine whether or not	The Council Tax collection rate (Although other economic factors will affect this). Numbers of reminders, final notices and summons issued (although other economic factors will affect this).

the policy is having its desired effects i.e. what type of information is needed and how often will it be gathered?	Number of successful appeals. Spent against budget will be monitored monthly
Who will analyse the monitoring at its review stages?	Senior Head of Community Revenues and Benefits Manager
What could trigger an early revision?	The scheme cannot be changed mid-year. If the council wishes to change the scheme for 2014/15 it will have to go out to consultation.
How will you involve key service users/other parties in the review process?	Through liaison meetings with: CAB Housing Brighton Housing Trust
How will you publish the results of any reviews?	

For completion by the Equality and Fairness Steering Group:

Results of group discussion and recommended course of action:	
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