

Draft strategies/policies – Equality and human rights impact check

Draft strategy/policy being checked:

Is this draft strategy/policy: South only
 Vale only
 Joint across both councils

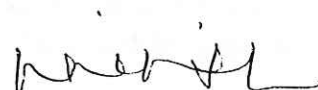
Service team: Finance


Officer completing this: James Connolly

Once completed:

Date completed: 28/08/2019

Signed  (Officer)

Signed  (Head of Service)

Signed  (Yvonne Cutler Greaves, equalities officer)

PLEASE NOTE – THIS CHECK MUST BE COMPLETED BEFORE YOUR DRAFT STRATEGY IS SUBMITTED TO MANAGEMENT TEAM AND COUNCILLORS FOR APPROVAL

Why do you need to do this Equality and human rights impact check?

Our strategies and policies set out the way we will deliver our services (including employment opportunities). When we are developing them, we need to check that they are not going to create any barriers which could prevent people from accessing our services.

People in Southern Oxfordshire may face barriers because of things like **disability, gender (including transgender, pregnancy and maternity), age, sexual orientation, rural isolation, income, religion/belief or ethnicity.**

As well as thinking about how our services will meet the needs of these groups of people, we also need to consider how our draft strategies and policies will help us to:

- promote positive relations within communities
- give everyone a voice
- respect and value everyone
- protect people's human rights

This equality and human rights impact check provides officers with a framework to help them work through these considerations in relation to their draft policy/strategy, ensuring that we are meeting our legal duties with regards to equality, diversity and human rights.

We have a statutory duty to carry out these assessments and they contribute towards our Corporate Equality Objectives

If you have any queries about this Check or would like some advice/support in completing it, please contact the equalities officer (see contact details below).

Once you've completed this equality and human rights impact check, please send the paperwork to the shared equality officer, along with a copy of the draft strategy/policy.

Yvonne Cutler Greaves (equalities officer)
Email: yvonne.cutlergreaves@southandvale.gov.uk
Telephone: x22493

OUTLINE OF THE DRAFT STRATEGY / POLICY YOU ARE CHECKING:

1. What are the aims and objectives of this draft strategy/policy?

Prior to 1 April 2013 council tax benefit was funded by the Department for Work and Pensions (DWP), to support people on low incomes by reducing the amount of council tax they had to pay.

People could claim full (100%) council tax benefit if they were on certain benefits. These included income based jobseeker's allowance, income support, guarantee credit (which is part of state pension credit) and income related employment and support allowance. Other people received some council tax benefit based on their income and other factors.

From April 2013 the council tax benefit scheme was replaced by new local council tax reduction schemes. The rules for the new schemes are set out in legislation for pensioners but for people of working age the rules are determined by local councils. The Government still provides funding but in the first year there was a 10% cut on the previous year's council tax benefit amount. Funding is still provided by the Government, but this is not separately identified in the grant received from the Government.

For the financial year 2014-15 onwards, the Council made a number of amendments to the working age scheme. All recipients had to pay a minimum of 8.5% of their council tax and anyone in a band F to H had their support limited to calculating the equivalent band E amount. Protection was given to applicants who were considered disabled and anyone in receipt of War Widows Pensions or War Disablement Pensions. To be considered disabled, the applicant had to receive one of the following in their Council Tax Reduction award:-

- Disability premium.
- Enhanced disability premium.
- Severe disability premium.
- A disability premium for dependants.
- Enhanced disability premium for dependants.
- Disabled earnings disregard.
- A Council Tax disability reduction.
- In receipt of Employment Support Allowance at any rate.

The changes were introduced to devise a scheme that was fair, protected the vulnerable and limited expenditure. The scheme wanted to encourage residents back to work by the inclusion of work incentives.

2. Who is the proposed strategy or policy designed to support / help / serve?

The changes proposed for the council tax reduction scheme from April 2020 are:-

- That single parents with children aged under 5 years will no longer have their council tax reduction calculated up to a maximum of 91.5%, but to 100% and will not have their council tax reduction calculated to a maximum of band E if they live in a higher banded property.
- The definition of who is considered disabled in order to be exempt from the calculation of their council tax reduction to a maximum of 91.5% and/or band E will be widened to take into account that present exemptions no longer exist in Universal Credit, which is replacing benefits where these premiums did exist. The scheme will be amended to specifically exempt applicants and their dependants who receive certain state benefits. These benefits will be:-
 - Disability Living Allowance.
 - Personal Independence Payments.

There are certain elements within Universal Credit which perform the same function as the disability premiums. These are limited capability for work element (not available to new applicants from April 2017) and the limited capability for work related activity, which will also exempt applicants.

The Government has recently announced a scheme to compensate people who have moved from legacy benefits to Universal Credit and lost their entitlement to a severe disability premium. Applicants who are entitled to this payment will also be exempt.

- Bereavement Support Payment is to be disregarded as income when calculating an applicant's council tax reduction.

3. If the draft strategy/policy relates to an existing council service/function, has an Equality & Human Rights Impact Assessment (EHRIA) already been completed on the service/function?

- No
 Yes – please list any issues/barriers identified within the assessment that your draft strategy needs to address:

Single parents – the amendments in for 2014 were made in order to ensure everyone contributes fairly to council services and to encourage people to return to work. For single parents with children aged under 5, it is more difficult to find childcare if their children are not in full-time education. In particular, single parents with children aged under 3 are not entitled to the free childcare offered by the Government.

When the changes in the council's scheme for 2014 onwards were made, it was decided that those considered disabled would be exempt from the negative changes due to their inability to find work. At the time, Universal Credit was in its infancy and the exemption was based on premiums and benefits Universal Credit is to replace. These were already recorded on the Academy system, so was simply to administer. The changes being made are to restore the intention to exempt applicants who are considered disabled by the social security system.

Bereavement Support Payment (BSP) is a new social security benefit introduced in April 2017. Unlike previous benefits to support bereavement, BSP is not counted as income and capital in means tested benefits. Council tax reduction, although means tested, is not a social security benefit and is counted as income and capital. The change is to bring the council's council tax reduction scheme into line with other means tested schemes and to cause as little distress to applicants who have lost their partners.

4. Does the draft strategy or policy have the potential to cause a negative impact or discriminate against certain groups in the community?

Equality group	Yes	No	If 'yes', please explain how the strategy/policy could cause a negative impact or discriminate. If you can not justify this you will need to take mitigating action, complete the action plan at the end of this assessment.	If 'No,' What existing evidence (presumed or otherwise) do you have for this? e.g. Will the service changes advance equality of opportunity between people who share a protected characteristic? This means will they <ul style="list-style-type: none"> Remove or minimise disadvantages suffered by people due to their protected characteristics. Take steps to meet the needs of people from protected groups where these are different from the needs of other people 												
People from ethnic minority groups		X		<p>Very limited information is held on the ethnic breakdown of current applicants as this information is not required as part of the assessment process for council tax reduction. It is difficult to estimate the impact on this group, but the proposed policy change would have a positive impact regardless of ethnicity. The latest figures for ethnicity for the Vale are from the 2011 census:-</p> <table border="1" data-bbox="861 515 1133 963"> <thead> <tr> <th>Ethnicity</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>95.00</td> </tr> <tr> <td>Mixed</td> <td>1.20</td> </tr> <tr> <td>Asian</td> <td>2.50</td> </tr> <tr> <td>Black</td> <td>1.00</td> </tr> <tr> <td>Other</td> <td>0.30</td> </tr> </tbody> </table>	Ethnicity	%	White	95.00	Mixed	1.20	Asian	2.50	Black	1.00	Other	0.30
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People with disabilities (including carers)		X		<p>There are 63 applicants who will benefit from limited capability for work and limited capability for work related activity. There are no figures yet for applicants on UC who will be compensated for the loss of the severe disability, as the Government has only just started to identify and pay people who are eligible for this.</p>												

Equality group	Yes	No	If 'yes', please explain how the strategy/policy could cause a negative impact or discriminate. If you can not justify this you will need to take mitigating action, complete the action plan at the end of this assessment.	If 'No,' What existing evidence (presumed or otherwise) do you have for this? e.g. Will the service changes advance equality of opportunity between people who share a protected characteristic? This means will they <ul style="list-style-type: none"> Remove or minimise disadvantages suffered by people due to their protected characteristics. Take steps to meet the needs of people from protected groups where these are different from the needs of other people
Men or women (including pregnant women, women on maternity and transgender people)		X		<p>The ONS Families and Households Survey 2018 have the number of single parent families at 22.75% nationally. Of these, 90.24% are headed by women and 9.76% by men.</p> <p>There are 370 single parents with children under 5 on CTR as of 23/08/2019. Of these, 365 are headed by women and 5 are headed by men (98.65% to 1.35%). This is a higher average than nationally. There are 2 cases subject to the band E restriction, both headed by women.</p> <p>The removal of both restrictions will benefit women more significantly. It will also benefit women on maternity leave after their child is born. It will not give any extra benefit for women who are pregnant with their first child.</p> <p>Of the 63 applicants who will benefit from including limited capability for work and limited capability for work related activity elements of their UC exempting them from the 8.5% deduction and band E restriction, 36 (57.14%) are female and 27 (42.86%) are male.</p> <p>Only 2 cases will benefit from the disregard of Bereavement Support Payments, both women.</p>

Equality group	Yes	No	If 'yes', please explain how the strategy/policy could cause a negative impact or discriminate. If you can not justify this you will need to take mitigating action, complete the action plan at the end of this assessment.	If 'No,' What existing evidence (presumed or otherwise) do you have for this? e.g. Will the service changes advance equality of opportunity between people who share a protected characteristic? This means will they <ul style="list-style-type: none"> Remove or minimise disadvantages suffered by people due to their protected characteristics. Take steps to meet the needs of people from protected groups where these are different from the needs of other people
Gay, lesbian or bisexual people		X		No information is held on an applicant's sexual orientation as this information is not required as part of the assessment process for council tax reduction.
People from different religions/beliefs (including people without a religion/belief)		X		No information is held on an applicant's religion or faith as this information is not required as part of the assessment process for council tax reduction.
Older or younger people		X		Since the introduction of council tax reduction, those of pension age were covered by national rules and have not had their entitlement restricted. 370 working age single parents will benefit from this change, 2 of which will also benefit from the removal of the band E restriction. 63 working age applicants with limited capability for work will benefit from this change. 2 applicants will benefit from the disregard of Bereavement Support Payments.

Equality group	Yes	No	If 'yes', please explain how the strategy/policy could cause a negative impact or discriminate. If you can not justify this you will need to take mitigating action, complete the action plan at the end of this assessment.	If 'No,' What existing evidence (presumed or otherwise) do you have for this? e.g. Will the service changes advance equality of opportunity between people who share a protected characteristic? This means will they <ul style="list-style-type: none"> Remove or minimise disadvantages suffered by people due to their protected characteristics. Take steps to meet the needs of people from protected groups where these are different from the needs of other people
People living in rural areas ^x		X		<p>The 2011 census had the rural/urban ratio at 38.7% to 61.3%.</p> <p>The number who will benefit from the removal of the band E restriction are 2, both in a rural area. The numbers are too small to be statistically significant.</p> <p>Of the 370 single parents with children aged under 5 who will benefit from the removal of the 8.5% deduction, 144 (38.92%) live in rural areas and 226 (61.08%) live in urban areas. These figures reflect the split between the general population.</p> <p>Of the 63 applicants who have limited capability for work who will benefit from the changes, 47 (74.60%) live in urban areas and 16 (25.4%) live in rural areas.</p> <p>Both applicants who benefit from the Bereavement Support Payments are in urban areas.</p>
Local Voluntary, Community and Faith sector organisations		X		<p>The council tax reduction scheme does not relate to voluntary, community or faith organisations.</p>

*The areas described as Urban are Abingdon, Wantage and Grove, Botley (North and South Hinksey and Cumnor), Kennington and Radley. This is in line with the definition used in the council's statement of accounts 2018-19.

5. Have reasonable adjustments been made for people with disabilities to ensure they can use the draft strategy or policy? This might mean treating disabled people better than non-disabled people in order to meet their needs

- No
- Yes - please provide detail:

The expanding of the disability definition to remove them from the 8.5% minimum payment and band E restriction will improve the financial position of disabled applicants. The total removal of the 8.5% restriction will result in disabled applicants saving £6,604.87 per annum. Although not large as a global sum of CTR, on an individual level any savings from paying council tax from a limited budget will be helpful.

6. Have there been any equality related recommendations in the area that your draft policy/strategy is covering which have arisen from, for example, internal/external audits or scrutiny reports?

Recommendation made	Is this being addressed in your draft strategy or policy? If not, please explain why.

7. Will the draft strategy or policy help to foster good relations between people who share a protected characteristic and people who do not share it e.g will the changes help to tackle prejudice and promote understanding between the different groups

- No (If you feel there is scope to improve how you foster good relations, amend you decision accordingly)
- Yes – please explain how

HUMAN RIGHTS CONSIDERATIONS

8. Will the draft strategy or policy have an impact on any relevant human rights [You may find it helpful to view the human rights guide for public authorities on the intranet to help you decide]. Please identify which human rights have been considered?

What impact was identified?

No impact has been identified.

Was the impact identified positive (fulfilling, protecting, promoting, respecting)

Please indicate the positive effect:

Was the impact negative (removing, unjustifiably interfering with any human rights)?

If so, please indicate how the strategy / policy will be amended to reduce or eliminate any negative impact

9. **Has there been consultation with relevant community groups to help inform this draft strategy or policy?**

If not, please explain why:

No specific community groups will be targeted for consultation, but generalist welfare groups, such as CAB, will be consulted.

If yes, please list who you have consulted:

Do you feel there are any groups that the draft strategy or policy significantly affects who you have not currently consulted? If yes, please contact the equalities officer for advice (see page 2 for contact details).

10. Has the draft strategy or policy missed opportunities to advance equality of opportunity, positive attitudes and promote respect for human rights?

- No
- Yes – please outline the plans you have to address the missed opportunities (complete table below)

Action plan for mitigating action or advancing equality of opportunity and promoting respect for human rights

Action	Person responsible	Target completion date

Financial Impact of each proposed change

Exclusion of single parents with children under 5 from band E restrictions

Band	Count	Amount
A-	0	£0.00
A	0	£0.00
B	0	£0.00
C	0	£0.00
D	0	£0.00
E	0	£0.00
F	2	£617.00
G	0	£0.00
H	0	£0.00
Total	2	£617.00

Exclusion of single parents with children under 5 from 8.5% restrictions

Band	Count	Amount
A-	0	£0.00
A	15	£1,220.10
B	80	£7,578.33
C	216	£23,399.47
D	50	£5,966.73
E	7	£1,008.95
F	2	£288.87
G	0	£0.00
H	0	£0.00
Total	370	£39,462.45

Exclusion of recipients of DLA, PIP, UC LCW and UC LCWRA from 8.5% restrictions

Band	Count	Amount
A-	0	£0.00
A	9	£698.71
B	30	£2,906.91
C	21	£2,505.46
D	1	£155.91
E	2	£337.88
F	0	£0.00
G	0	£0.00
H	0	£0.00
Total	63	£6,604.87

Disregard of Bereavement Support Payment

Band	Count	Amount
A-	0	£0.00
A	0	£0.00
B	1	£241.35
C	0	£0.00
D	0	£0.00
E	1	£247.70
F	0	£0.00
G	0	£0.00
H	0	£0.00
Total	2	£488.45