

## Equality Impact and Outcome Assessment (EIA) Template - 2019

**EIAs make services better for everyone and support value for money by getting services right first time.**

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age<sup>13</sup>) or use the hyperlinks ('Ctrl' key and left click).

**For further support or advice please contact:**

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team**

### 1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Council Tax Reduction Scheme 2022-23	<b>ID No.<sup>6</sup></b>	
<b>Team/Department<sup>7</sup></b>	Revenues and Benefits		
<b>Focus of EIA<sup>8</sup></b>	<p>The focus of this EIA is to ascertain what the impact of introducing an Income Banded Council Tax Reduction scheme would mean for recipients of this type of support in Brighton &amp; Hove.</p> <p>An Income Banded scheme will mean that every Universal Credit recipient who applies for Council Tax Reduction in B&amp;H will be placed into a Council Tax liability band determined by how much 'earned income' that household receives each month. If their earnings fluctuate within the earnings bracket they will continue to pay the same amount of council tax. When their earnings reduce or increase to the extent that they fall into a different bracket, their Council Tax liability will be reassessed and they will be sent a bill advising them of the new contribution they will have to pay towards their Council Tax. It is common for those on a lower income and receiving Universal Credit frequently experience small fluctuations in their income. This could be due to being Self Employed, undertaking overtime, being</p>		

on a zero hours contract, or fluctuations in tax and/or National Insurance contributions. The benefit of a 'banded' scheme is that such fluctuations will not trigger a change in their entitlement to CTR as well as their Universal Credit entitlement. It means that the household will be better able to understand and plan for how much Council Tax they will have to budget for and pay each month.

By simplifying our Council Tax Reduction scheme to make it more transparent for residents and reduce the administrative burden associated with Universal Credit claims, we need to be mindful of any particular groups within the city who may be disproportionately disadvantaged, financially, by its introduction. This EIA seeks to explore any impact of the proposed scheme on protected characteristic groups in our city.

Some groups of people sharing protected characteristics are disproportionately likely to be recipients of CTR (eg: disabled people, women as heads of lone parent households and people in some age groups). Any changes in personal circumstances will be entirely dependent on the individual's circumstances however, and no trends have been identified that disproportionately disadvantage or benefit people sharing characteristics. Having a transparent and user friendly scheme that aligns with monthly Universal Credit payments will benefit households in receipt of this CTR-UC scheme. Reducing the number of times a household is re-billed due to a change in entitlement and having clear value amounts of what they are responsible for paying each month will assist many households in budgeting for and paying their CT liability. A flexible approach to Discretionary CTR eligibility, a coordinated approach to welfare support within the Revenues and Benefits service and appropriate sign-posting to other agencies for additional needs will also reduce any negative impacts identified.

## 2. Update on previous EIA and outcomes of previous actions<sup>9</sup>

<b>What actions did you plan last time?</b> (List them from the previous EIA)	<b>What improved as a result?</b> What outcomes have these actions achieved?	<b>What <u>further</u> actions do you need to take?</b> (add these to the Action plan below)
N/A – this is a new scheme design	N/A	N/A

### 3. Review of information, equality analysis and potential actions

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>																					
<b>Age<sup>14</sup></b>	<p>People of pensionable age are not affected by the proposals.</p> <p>As a change of circumstances can affect any of our working age caseload, there is unlikely to be any specific or indirect discrimination on grounds of age. There are 12,450 cases in the working age caseload, of which, 5,793 are in receipt of Universal Credit.</p> <p>NB: Data is for individuals who are either Claimant or Partner, not by Claim.</p> <table border="1" data-bbox="387 1102 750 1331"> <thead> <tr> <th>Age</th> <th>%</th> <th>Fig</th> </tr> </thead> <tbody> <tr> <td>16-24</td> <td>3%</td> <td>193</td> </tr> <tr> <td>25-34</td> <td>7%</td> <td>424</td> </tr> <tr> <td>35-44</td> <td>12.5%</td> <td>721</td> </tr> <tr> <td>45-54</td> <td>29.5%</td> <td>1,711</td> </tr> <tr> <td>55-64</td> <td>22%</td> <td>1,283</td> </tr> <tr> <td>65-74</td> <td>1%</td> <td>77</td> </tr> </tbody> </table>	Age	%	Fig	16-24	3%	193	25-34	7%	424	35-44	12.5%	721	45-54	29.5%	1,711	55-64	22%	1,283	65-74	1%	77			<p>Continue to provide a discretionary fund which can be used to increase the amount of CTR anyone can get if they face exceptionally difficult circumstances. The discretionary fund is under review to make sure it is being taken up where there is a need.</p> <p>Ensure there is availability of advice within the city so people can receive help dealing with benefits, payment of council tax, budgeting and</p>
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				moving towards work.
<b>Disability<sup>15</sup></b>	<p>There are 5,793 working age UC claimants in the caseload, of which, 1,417 (24%) have a disability. This is indicated on our system where people are in receipt of DWP disability benefits</p> <p>Our arrears data does not indicate that Disability is currently a driving factor in being more likely to be in arrears. Not disabled, working age in arrears 14% and Disabled and in arrears 10%.</p>	<p>UK statistics indicate that disabled adults in working age households are much more likely to be in poverty. 39% compared with 18%. This is because Disabled people are less likely to be in work or more likely to be in low paid employment.</p>	<p>People who have disabilities may have income that is less likely to fluctuate, once their PIP / ESA is in payment, although those who work within their ESA limits may have fluctuating income.</p> <p>Although Disabled claimants have a higher income than non-Disabled claimants, due to additional awards in benefits, those payments are intended to pay for care and other essential needs relating to their health.</p>	<p>The discretionary fund is being reviewed to make sure it is being taken up where there is a need. The Debt Prevention team identify cases of potential financial vulnerability, due to disability, and seek to minimise their arrears through the use of both the discretionary fund and the removal of costs. An identifying factor used by the team to determine this vulnerability is the Limited Capability for Work component of the UC award,</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
				<p>Ensure there is availability of advice within the city so people can receive help dealing with benefits, payment of council tax, budgeting and moving towards work.</p> <p>Detailed modelling will identify if particular groups will be disproportionately impacted and this will inform end policy approach to support. Discretionary Council Tax Reduction can be used to support any households experiencing hardship as a result of the new scheme.</p>

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<b>Gender reassignment<sup>16</sup></b>	We do not have specific data at case level.  A change of circumstances may affect any person claiming CTR	The Trans Needs Assessment highlights that Trans people are more likely to have disabilities, including a higher proportion of mental ill health than other people.  (Browne, Scott, Valentine, & Antoniou, 2015)		As above, the Discretionary Council Tax Reduction Fund exists to support those who are in difficulty and have a shortfall in their Council Tax Reduction.  Signposting to appropriate advice agencies within the city if there is a need for assistance
<b>Pregnancy and maternity<sup>17</sup></b>	There is currently a very small caseload of households on UC with a child under the age of one – 69 claims. We do not hold any data on pregnancy.  No impacts of a banded scheme identified specific to this group	Pregnancy and maternity is a financially challenging time, with household income reducing if the mother had previously been in work.	In the case of lone parent households where the mother was in work, her liability will reduce in line with her income level. For this period where the mother is not in work, her income	Monitor the impact and use the Discretionary CTR to mitigate any hardship where appropriate.

Groups to assess	What do you know <sup>10</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>11</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>12</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>13</sup> ? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>																		
			should remain stable and she will not see her CT contribution change for this period.																			
<b>Race/ethnicity<sup>18</sup></b> Including migrants, refugees and asylum seekers	<p>The calculation of entitlement to CTR does not make reference to race, nor is it impacted by it.</p> <p>Ethnicity data recorded within Revenues and Benefits' records are not in high enough numbers to be able to accurately draw conclusions on the caseload based on this protected characteristic. What we do have on UC cases, where the applicant has chosen to complete this section of the Equalities monitoring form is below:</p> <p>NB: Data is for individuals who are either Claimant or Partner, not by Claim.</p> <table border="1" data-bbox="383 1171 1028 1503"> <thead> <tr> <th>Ethnicity</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Arab</td> <td>62</td> </tr> <tr> <td>Asian or Asian British: Bangladeshi</td> <td>44</td> </tr> <tr> <td>Asian or Asian British: Indian</td> <td>19</td> </tr> <tr> <td>Asian or Asian British: Pakistani</td> <td>11</td> </tr> <tr> <td>Asian or British : Any other</td> <td></td> </tr> <tr> <td>Background</td> <td>85</td> </tr> <tr> <td>Black British:African</td> <td>100</td> </tr> <tr> <td>Black British:Caribbean</td> <td>31</td> </tr> </tbody> </table>	Ethnicity	Count	Arab	62	Asian or Asian British: Bangladeshi	44	Asian or Asian British: Indian	19	Asian or Asian British: Pakistani	11	Asian or British : Any other		Background	85	Black British:African	100	Black British:Caribbean	31	<p>The latest ONS study on household income by ethnicity shows that:</p> <ul style="list-style-type: none"> <li>• <i>Households with a White British head were approximately nine times as likely to be in the top quintile of total wealth (wealth above £865,400) as those of Black African ethnicity and 18 times as likely as those of Bangladeshi ethnicity.</i></li> <li>• <i>The percentage of households with financial debt that exceed their financial assets was highest for the Black African and Other Asian groups (both 44%) and was twice as likely for these households</i></li> </ul>	<p>As nation-wide evidence suggests there is an increased level of financial hardship among BAME communities, due to lower income level employment, it might be reasonable to suggest that there would be disproportionate representation of BAME households within the CTR caseload, when compared to the proportion within the population. However, our data is too incomplete to confirm this assumption.</p>	<p>The Discretionary Council Tax Reduction fund will be applied as appropriate to households struggling to pay their CT liability.</p> <p>Households identified as at risk of falling into arrears should be supported by Revenues and Benefits Welfare Support Hub, where their financial needs will be looked at holistically. Advice, support, discretionary financial assistance and signposting to</p>
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<b>Religion or belief<sup>19</sup></b>	<p>We do not have specific data at case level.</p> <p>The calculation of entitlement to CTR does not make reference to religion, nor is it impacted by it.</p>			<p>Ensure advice and support services are widely available to all households claiming CTR through the Welfare Support Hub in the Revenues and Benefits service.</p>																								
<b>Sex/Gender<sup>20</sup></b>	<p>Claimants or Partners in UC CTR claims:</p> <p>NB: Our system does not currently have a specific field for those who do not identify as non-binary. We have some claims with blank fields for Gender, but it is not clear if this is data entry error, choice or (in the case of partner) a not applicable field. The lack of recordable option will be noted and raised with our software provider.</p>	<p>Women are more likely than men to be in part time work, due to childcare requirements, are more likely to be in low paid work and in vocational areas that have been most heavily impacted by the pandemic.</p>	<p>Women, and disproportionately so for women who are lone parents, are more likely to be in receipt of CTR than men. Therefore, any</p>	<p>There is a greater risk of women being in financial hardship than men. A clear 'at risk of arrears' group has been identified in lone parents with</p>																								

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	<table border="1" data-bbox="389 435 752 499"> <tr> <td>Female</td> <td>3,847</td> <td>57%</td> </tr> <tr> <td>Male</td> <td>2,850</td> <td>43%</td> </tr> </table> <p data-bbox="389 539 685 571">Single parent claims:</p> <table border="1" data-bbox="389 611 745 707"> <tr> <td>Female</td> <td>1,405</td> <td>93%</td> </tr> <tr> <td>Male</td> <td>106</td> <td>7%</td> </tr> <tr> <td>Total</td> <td>1,516</td> <td>100%</td> </tr> </table>	Female	3,847	57%	Male	2,850	43%	Female	1,405	93%	Male	106	7%	Total	1,516	100%		<p data-bbox="1509 411 1778 659">changes to a CTR scheme are more likely to affect women, and particularly those who are lone parents, than men.</p> <p data-bbox="1509 707 1794 1393">One of the main identified groups disproportionately at risk of being in arrears is Lone parents with Non-Dependents. As the claimants in this group are far more likely to be women than men, this is an impact that will need to be considered in terms of Discretionary awards and Transitional Protection consideration.</p>	<p data-bbox="1821 411 2101 1177">Non dependents as being disproportionately more likely to be women and so this will be taken into consideration when applications of Discretionary awards are made. Specialist welfare support teams will be made aware of this identified need for financial support, and this will factor into how they identify households who may need additional help.</p> <p data-bbox="1821 1225 2089 1441">Clear and appropriate signposting to third sector advice and support organisations.</p>
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				If particular cases are identified as being worse off under the new UC CTR scheme, then they can be considered on a case by case basis for Discretionary Council Tax Reduction.
<b>Sexual orientation<sup>21</sup></b>	We do not have specific data at case level.  A change of circumstances may affect any person claiming CTR. No impacts identified specific to this group	On our caseload, we have 76 cases recorded as being a same sex couple. Given that the overall numbers of those adversely affected by these changes, there is likely to be a minimal impact here, and not specifically due to sexual orientation, as change of circumstances affect any CTR recipient.		Any household struggling to afford their CT liability will be offered the opportunity to apply for DCTR scheme and further supported holistically through the Welfare Support Hub.  Signposting to appropriate advice agencies within the city if there is a need for assistance

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<b>Marriage and civil partnership<sup>22</sup></b>	No impacts identified specific to this group																																															
<b>Community Cohesion<sup>23</sup></b>	<p>This data is excluding Pensionable age people and all those with an active CTR claim, not just those on Universal Credit</p> <table border="1" data-bbox="387 647 1014 1482"> <thead> <tr> <th data-bbox="387 647 909 683">Ward</th> <th data-bbox="909 647 1014 683">Count</th> </tr> </thead> <tbody> <tr><td data-bbox="387 683 909 718">BRUNSWICK &amp; ADELAIDE</td><td data-bbox="909 683 1014 718">502</td></tr> <tr><td data-bbox="387 718 909 753">CENTRAL HOVE</td><td data-bbox="909 718 1014 753">471</td></tr> <tr><td data-bbox="387 753 909 788">EAST BRIGHTON</td><td data-bbox="909 753 1014 788">1328</td></tr> <tr><td data-bbox="387 788 909 823">GOLDSMID</td><td data-bbox="909 788 1014 823">642</td></tr> <tr><td data-bbox="387 823 909 858">HANGLETON &amp; KNOLL</td><td data-bbox="909 823 1014 858">764</td></tr> <tr><td data-bbox="387 858 909 893">HANOVER &amp; ELM GROVE</td><td data-bbox="909 858 1014 893">667</td></tr> <tr><td data-bbox="387 893 909 928">HOLLINGDEAN &amp; STANMER</td><td data-bbox="909 893 1014 928">888</td></tr> <tr><td data-bbox="387 928 909 963">HOVE PARK</td><td data-bbox="909 928 1014 963">123</td></tr> <tr><td data-bbox="387 963 909 999">MOULSECOOMB &amp; BEVENDEAN</td><td data-bbox="909 963 1014 999">961</td></tr> <tr><td data-bbox="387 999 909 1034">Multi-ward Postcode</td><td data-bbox="909 999 1014 1034">161</td></tr> <tr><td data-bbox="387 1034 909 1069">n/a</td><td data-bbox="909 1034 1014 1069">264</td></tr> <tr><td data-bbox="387 1069 909 1104">NORTH PORTSLADE</td><td data-bbox="909 1069 1014 1104">447</td></tr> <tr><td data-bbox="387 1104 909 1139">PATCHAM</td><td data-bbox="909 1104 1014 1139">384</td></tr> <tr><td data-bbox="387 1139 909 1174">PRESTON PARK</td><td data-bbox="909 1139 1014 1174">373</td></tr> <tr><td data-bbox="387 1174 909 1209">QUEEN'S PARK</td><td data-bbox="909 1174 1014 1209">1224</td></tr> <tr><td data-bbox="387 1209 909 1244">REGENCY</td><td data-bbox="909 1209 1014 1244">520</td></tr> <tr><td data-bbox="387 1244 909 1279">ROTTINGDEAN COASTAL</td><td data-bbox="909 1244 1014 1279">339</td></tr> <tr><td data-bbox="387 1279 909 1315">SOUTH PORTSLADE</td><td data-bbox="909 1279 1014 1315">439</td></tr> <tr><td data-bbox="387 1315 909 1350">ST.PETER'S &amp; NORTH LAINE</td><td data-bbox="909 1315 1014 1350">924</td></tr> <tr><td data-bbox="387 1350 909 1385">WESTBOURNE</td><td data-bbox="909 1350 1014 1385">388</td></tr> <tr><td data-bbox="387 1385 909 1420">WISH</td><td data-bbox="909 1385 1014 1420">354</td></tr> </tbody> </table>	Ward	Count	BRUNSWICK & ADELAIDE	502	CENTRAL HOVE	471	EAST BRIGHTON	1328	GOLDSMID	642	HANGLETON & KNOLL	764	HANOVER & ELM GROVE	667	HOLLINGDEAN & STANMER	888	HOVE PARK	123	MOULSECOOMB & BEVENDEAN	961	Multi-ward Postcode	161	n/a	264	NORTH PORTSLADE	447	PATCHAM	384	PRESTON PARK	373	QUEEN'S PARK	1224	REGENCY	520	ROTTINGDEAN COASTAL	339	SOUTH PORTSLADE	439	ST.PETER'S & NORTH LAINE	924	WESTBOURNE	388	WISH	354			<p>With the use of the upcoming LIFT dashboard, we can use more targeted communications to increase uptake in CTR in specific areas.</p>
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HOLLINGDEAN & STANMER	888																																															
HOVE PARK	123																																															
MOULSECOOMB & BEVENDEAN	961																																															
Multi-ward Postcode	161																																															
n/a	264																																															
NORTH PORTSLADE	447																																															
PATCHAM	384																																															
PRESTON PARK	373																																															
QUEEN'S PARK	1224																																															
REGENCY	520																																															
ROTTINGDEAN COASTAL	339																																															
SOUTH PORTSLADE	439																																															
ST.PETER'S & NORTH LAINE	924																																															
WESTBOURNE	388																																															
WISH	354																																															

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	WITHDEAN 311 WOODINGDEAN 347 <b>Total 12821</b>			
<b>Other relevant groups<sup>24</sup></b>				If detailed modelling of the proposed scheme identifies any particular group that is adversely affected, this will be taken into consideration in the forming of Discretionary Payment decisions.
<b>Cumulative impact<sup>25</sup></b>	<p>The proposals are not specifically designed to restrict CTR entitlement and depend on the specific change of household income.</p> <p>By increasing the earnings amount that a household can earn whilst remaining in entitlement for Council Tax Reduction, will help those households that are 'Just About Managing'. It will also alleviate debts in other areas of household debt.</p>	Our consultation has shown that customers are generally in favour of making the scheme more streamlined and transparent	There are a small cohort of people (less than 5%) that will be negatively affected by being moved on to this new scheme	All customers on Council Tax Reduction are able to apply for a Discretionary Payment. Any specific groups of people that are identified as being disadvantaged can be identified and specifically targeted with a Discretionary

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	<p>People will now be protected from multiple changes in their Council Tax due to micro changes in their Universal Credit.</p> <p>It will also help customers plan their finances if they know that their income is due to change in the future.</p> <p>Benefit Officers and Advice Agencies workers will be able to give clearer and more strategic advice around debt and financial advice.</p> <p>These changes will also help with the automation of this data set for those on Universal Credit.</p> <p>Those on legacy benefits will be moved on to the new scheme as soon as they are moved on to Universal Credit. There will be some discrepancies between the two schemes, for example in the way that earners on one scheme might remain on a static amount of CTR for longer. However, the differences are specifically adapted towards UC and non-UC claimants, according to how frequently they will experience changes in their category. There could be advantages and disadvantages to being on each scheme, depending on individual circumstances. However, the advantages of the new scheme</p>			<p>Payment to avoid hardship.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	are expected to outweigh the disadvantages, and over a period of several years, the legacy scheme claimants will move over to the new scheme. In the meantime, the legacy scheme claimants will see no difference in their entitlement, unless their circumstances change.			
<b>Assessment of overall impacts and any further recommendations<sup>26</sup></b>				
<p><i>When the scheme is fully implemented, we will be able to monitor and identify equality issues that arise as a result of this new CTR scheme and address this for future schemes going forward.</i></p>				

**4. List detailed data and/or community feedback that informed your EIA**

<b>Title</b> (of data, research or engagement)	<b>Date</b>	<b>Gaps in data</b>	<b>Actions to fill these gaps: who else do you need to engage with?</b> (add these to the Action Plan below, with a timeframe)
<b>Core data from our cases system</b>	<b>November 2021</b>		
<b>CTR Consultation</b>	<b>September – October 2021</b>		

## 5. Prioritised Action Plan<sup>27</sup>

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				

**EIA sign-off:** (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

**Staff member completing Equality Impact Assessment:**

**Date:**

**Directorate Management Team rep or Head of Service/Commissioning:**

**Date:**

**CCG or BHCC Equality lead:**

**Date:**

## Guidance end-notes

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<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- 
- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
  - **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
  - **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
  - **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
  - **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
  - **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
  - **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

## <sup>2</sup> Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their ‘protected characteristics’ (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups’ vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

**The following are the duties in the Act. You must give ‘due regard’ (pay conscious attention) to the need to:**

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by people due to their protected characteristics
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
  - Tackle prejudice
  - Promote understanding

<sup>3</sup> EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved

- 
- The numbers of people affected
  - The size of the likely impact
  - The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

**4 When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

**Do you need to complete an EIA? Consider:**

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

**5 Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

**6 ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

**7 Team/Department:** Main team responsible for the policy, practice, service or function being assessed

**8 Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.

- 
- How does it fit with other services?
  - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
  - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
  - What do existing or previous inspections of the policy, practice, service or function tell you?
  - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

<sup>9</sup> **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write ‘not applicable’.

<sup>10</sup> **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?<sup>10</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#> ) and national ones where they are relevant.

<sup>11</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>12</sup> Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.

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- Be realistic: don't exaggerate speculative risks and negative impacts.
  - Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
  - Questions to ask when assessing impacts depend on the context. Examples:
    - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
    - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
    - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
    - If there is negative differential impact, how can you minimise that while taking into account your overall aims
    - Do the effects amount to unlawful discrimination? If so the plan must be modified.
    - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>13</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

<sup>14</sup> **Age:** People of all ages

<sup>15</sup> **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

<sup>16</sup> **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

<sup>17</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

<sup>18</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

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<sup>19</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>20</sup> **Sex/Gender:** Both men and women are covered under the Act.

<sup>21</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>22</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>23</sup> **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

<sup>24</sup> **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

<sup>25</sup> **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

<sup>26</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>27</sup> **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.