

Equality Impact Assessment – brief guidance and template¹ (2011)

Public sector bodies need to be able to evidence² that they have given due regard to the impact and potential impact on all people with ‘protected characteristics’³ in shaping policy, in delivering services, and in relation to their own employees.

The following principles, drawn from case law, explain what is essential in order for the Equality Duty to be fulfilled. Public bodies should ensure:

- **Knowledge** – those who exercise the public body’s functions need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach and state of mind.
- **Timeliness** – the Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- **Real consideration** – consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. The Equality Duty is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- **Sufficient information** – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty.
- **No delegation** – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.
- **Review** – public bodies must have regard to the aims of the Equality Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The Equality Duty is a continuing duty.

¹ Information taken from Equality Act 2010: Public Sector Equality Duty What Do I Need To Know? A Quick Start Guide For Public Sector Organisations – Government Equalities Office May 2011

² To councillors, senior managers, service-users, the public and community and voluntary sector groups

³ ‘Protected characteristics’ are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. (Also marriage and civil partnership, but only in relation to eliminating discrimination.)

For more guidance see the full EIA document <http://www.brighton-hove.gov.uk/index.cfm?request=c1200096> or contact the Communities and Equality Team – x 2301. EIA workshops are also run regularly to support staff.

1. Front sheet

<p>Title of EIA</p>	<p>Council Tax Discounts and Exemptions</p>	<p>Ref No.</p>	
<p>Delivery / Resource / Finance Unit or Intelligent Commissioning name</p>	<p>City Services (Revenues and Benefits)</p>		
<p>Aim of policy or scope of service</p>	<p>The government has increased the amount of discretion that a local authority has, regarding certain discounts and exemptions relating to Council Tax.</p> <p><u>Removal of second home discount in Council Tax</u> Currently, taxpayers responsible for a second home can receive a 10% discount from their Council Tax bill on that property. If proposals are agreed, the 10% discount will no longer apply and they will have to pay full Council Tax.</p> <p><u>Retain current criteria for Class A property exemptions</u> Currently a 100% Council Tax exemption is available while a property is undergoing structural work. The exemption lasts for up to 12 months, or 6 months after work is completed (whichever date is earlier). The proposals are to retain this scheme.</p> <p><u>Reduce current period of Class C exemption from 6 months to a shorter period</u> Currently a 100% Council Tax exemption is available while a property is unfurnished and unoccupied. This exemption lasts for up to 6 months, or until the property is furnished or occupied whichever date is earlier. The proposals are to reduce this period to six weeks, with a discretion to award up to three months in total in exceptional circumstances. In the context of the policy, “exceptional” is intended to be just that, focussing on situations that by their nature do not happen in standard gaps between tenancies or ownership. Requests for an extension will be considered on an individual basis and so there is potential to consider vulnerable situations, including whether there would be any adverse impact or specific needs linked to protected groups.</p> <p><u>Introduction of an Empty Homes Premium</u> The proposals are to enact a new power that allows us to charge a premium of Council Tax when a property has been empty for a minimum of two years. If agreed, the premium will be set at the maximum possible amount of 50% on top of the Council Tax bill</p>		

2. Record of data/engagement; impacts identified; and potential actions to meet the Duties.

	Data ¹ that you have	Community engagement exercises or mechanisms ²	Impacts identified from analysis (actual and potential) ³	Potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations (You will prioritise these below)

¹ 'Data' may be monitoring, customer feedback, equalities monitoring, survey responses...

² These may be ongoing links that you have with community and voluntary groups, service-user groups, staff forums; or one-off engagement sessions you have run.

³ If data or engagement are missing and you can not define impacts then your action will be to take steps to collect the missing information.

Removing second home discount

Any person, inside or outside the city, could be affected .But likely that this will have a minimal negative impact in terms of equalities.

Financial impact from £99 (Band A) to £296 (Band H).

Assumed likelihood that those with 2nd homes will be mainly higher income, although feedback in the consultation indicated one exception. The scenario was that somebody had a second property but then their health circumstances changed, preventing them from a) working and b) using the second property. All of the other comments were to do with the principal of being asked to pay full Council Tax, rather than individual concerns about affordability.

There were 1846 cases in 2011/12, with 1439 spread fairly evenly between bands A and D (max cost on Band D to liable party £148).

Other exemptions exist to cover vulnerability, such as 2nd home going through probate, or occupant in care.

Secondary positive impact, savings of £244k can be put back into budget, to be spent supporting the city.

We do not have extensive data regarding the liable parties, other than names and contact details. Further statistical breakdown would only account for the 2nd home (eg location, or how long it's been a second home) and tell us nothing about the personal circumstances of the owner, who might even live in a different authority.

Retain current criteria for Class A property exemptions

This will mostly affect Landlords and property developers. There is no immediate impact due to change, as no change is proposed.

There is a positive impact on those who are in priority housing need, as the exemption supports good development work in the city. If the proposals were not agreed, there is a small risk that property development could be disincentivised.

We have data showing number of awards, location, duration and value.

We have no data showing an equalities breakdown of the recipients.

No impacts on protected groups were identified in the consultation.

Reduce current period of Class C exemption from 6 months to a shorter period

Having analysed the customer base who have received this exemption in previous years (data available back to 2000), there will be affected parties, but this exemption is being reduced for all residents, so there is **no specific impact on those with protected characteristics**.

Affected parties:

Financial impact on anybody paying council tax where their property is unoccupied and unfurnished for a period of longer than 35 days and less than 180 days. Most affected parties detailed below, however these **will not affect any member of protected group more than any other resident** and where they do specific exemptions apply (eg: older people going into care).

- owners of properties that are for sale but not occupied
- landlords of properties that are empty between lets - sometimes being refurbished
- owners / landlords of properties that are being substantially refurbished, but do not qualify for the class A exemption. (for example: after destructive tenants or very long term lets or after purchase)
- tenants that have signed a tenancy but do not take up residence (very rare cases, for example during a trial separation)
- the Local Authority and other Registered Social Landlords where properties cannot be let immediately due to damage/eviction/abandonment by tenant (some mitigation identified in improving communications between services/organisations to get more accurate and timely information which could reduce additional financial pressure created by reducing the period of exemption)
- Persons who have inherited property, but are unable to sell during the time frames. (mitigation - referral to allocations, property could be let short term whilst for sale with rent guaranteed by the LA)
- Persons whose property is due to be repossessed and sold but is still in that process, but no longer resident (mitigation – next year the work of our debt prevention team will increase and they could potentially look at these situations, also we will be building closer working relationships with local debt advice services as part of our response to welfare reform)

For those who face severe financial hardship as a result of the reduced exemption, in some circumstances the property may be suitable for letting through the council's acquisitions team, and some schemes guarantee the rent to the landlord. Unsuitable in situations where the property is not up to standards required for a LA let, but not eligible for class a exemption.

Some impacts will be offset by changes to the eligibility rules for a Class C discount. There will be lessened financial impact for example on those taking over a property, where the old owner/tenant had already used up the class c for the full six months. Under old rules, they would get no further exemption, but under new rules, they will now have entitlement to a fresh six week exemption if the property is still

unoccupied when they take over.

In the consultation, some difficult situations were highlighted, for example when a property is empty because they have entered a care home, or because the property is awaiting probate. There are separate exemptions in Council Tax that mean people in those situations do not have to pay council tax and Local Authorities do not have discretion to change these areas.

The consultation identified no other impacts specifically on protected groups.

Introduction of an Empty Homes Premium

Short term negative impact as liable person would have to pay extra Council Tax (50% on top) The Empty Properties team has no full data concerning how the affected individuals and groups are made up. But we will rely on their knowledge and experience to see who is most likely to be retaining long term empty properties. There could be a knock-on impact that we should plan for. One concern for example was that the premium could be more likely to affect older people, or customers who have difficulty dealing with day to day affairs. However, vulnerable people are not thought to form the majority of customers, according to the Empty Property Team.

The overall intention is to align the premium with the methods currently used by Empty Properties Team. There could therefore be a long term financial and health benefit to the individual when their property is either sold or let.

Also in mitigation, we would need to ensure that there is clear communication, to give each individual a fair chance of avoiding the premium. This already happens in existing Empty Property Team procedures. We would also need to ensure that information can be provided in multiple formats to maximise accessibility.

In the consultation, some difficult situations were highlighted, for example when a property is empty because they have entered a care home, or because the property is awaiting probate. There are separate exemptions in Council Tax that mean people in those situations would not be subject to the premium, as they do not have to pay council tax while those exemptions apply. Local Authorities do not have discretion to change these areas.

No other specific impacts were identified.

Overall

There will be an over-arching publicity plan to introduce all of the changes related to discounts and exemptions. To be implemented Feb – May 2013.

<p>Community Cohesion (what must happen in all communities to enable different groups of people to get on well together.)</p>	Covered above where relevant			
<p>Age (people of all ages)</p>	Covered above where relevant		possible increased effect on elderly (but only as more likely to own property and for that property to be in a high band)	Mitigated by officer knowledge of advice and support specific for elderly such as adult social care, age concern, pension service etc.
<p>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 activities¹)</p>	Covered above where relevant		2 nd homes - some customers may be unable to use their 2 nd homes due to disability	Consider referral to Private Sector housing for disabled facility grant. Discuss with customer options for helping rent out, eg talk to acquisitions team
<p>Gender reassignment (a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. A person does <u>not</u> need to be under medical supervision to be protected)</p>	No impact identified			

¹ 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.

<p>Pregnancy and maternity (protection is during pregnancy and any statutory maternity leave to which the woman is entitled)</p>	No impact identified			
<p>Race (this includes ethnic or national origins, colour or nationality, including refugees and migrants; and Gypsies and Travellers)</p>	No impact identified			
<p>Religion or 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.)</p>	No impact identified			
<p>Sex (both men and women are covered under the Act)</p>	No impact identified			
<p>Sexual orientation (the Act protects bisexual, gay, heterosexual and lesbian people)</p>	No impact identified			

Marriage and civil partnership (only in relation to due regard to the need to eliminate discrimination)	No impact identified			
Other relevant groups eg: Carers, people experiencing domestic violence, substance misusers, homeless people, looked after children etc	No impact identified			

3. Prioritised Actions:

NB: you should also highlight here if there is potential for cumulative impact across the service or for a specific group.

Action	Timeframe	Lead officer	Evidence of progress	Success measure
Identify with Empty Property Team how to monitor vulnerability issues in customers with Long Term Empty Properties	Now through to March 2014	Paul Ross-Dale		Improved monitoring
Debt Prevention Team to consider how to help in individual circumstances where age and disability are factors	Now through to March 2014	Paul Ross-Dale		Part of overall response to welfare reform

Signing of EIA:-

Lead Equality Impact Assessment Officer:

Date:

Head of Service Delivery Unit

Date:

Lead Commissioner (if required):

Date:

Communities and Equality Team

Date:

NB: Actions must now be transferred to service or business plans

You must also complete and submit a summary of the EIA in the Publication Template (see below)

4. Attach data and/or engagement lists as appendices.

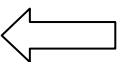
Title (of data or engagement)	Date	Main findings	Gaps in data	Contact

Equality Impact Assessments (EIAs) Summary of stages

- EIAs should be completed on: all new policies, strategies and services; and existing services every 3 years, or at re-design – whenever is most relevant.
- EIAs are about service improvement.
- EIAs use data and consultation to define positive and negative impacts on different communities, including staff.
- Actions defined in the EIAs feed into team/directorate plans.

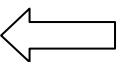
1. Who will contribute to the EIA?

Range of people – offer different perspectives and challenge.
Core team plus people to consult with.



2. Define aims/objectives of the policy/service

Most appropriate range of the EIA for the specific service.



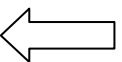
3. Scope and focus of EIA

Identify key groups and an initial hypothesis of issues.
Staffing issues fit here – can use HR for support and/or information.

Consider all aspects of the service.
Proportionate approach – depends on the significance of the policy / strategy / service.
Legal duty applies to contractors as well: contents of the contracts, how they do the work, how we monitor them –
Corporate Procurement Team can help

**Protected
character-
istics –
legal duty**

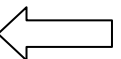
**Social
inclusion
groups**



4. Assess existing data or do research

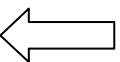
Use the information that already exists.
Identify gaps.

Fill gaps with more research or identify actions for future research.



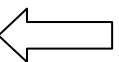
5. Assess or undertake consultation

Identify and use what exists – aim to co-ordinate with other surveys, consultation, research, evaluation.
Use the Community Engagement Framework approach and standards.
Identify gaps (in data and understanding) and actions.



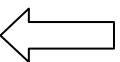
6. Assess impact

Consider and evaluate the findings.
Minimise or remove negative impacts and increase opportunities for positive impacts (eg: community cohesion).
NB: in some areas equalities legislation is over-ridden by other national legislation – this should be stated.



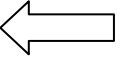
7. Reduce adverse and promote positive impacts

May identify impacts of greater or lesser significance or impacts which cannot be immediately acted upon – process of noting and prioritising.
Unlawful adverse impact must be addressed. The emphasis here is on adverse impact, not simply differential impact.



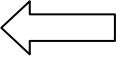
8. Action plan and sign off

EIA signed off by Head of Unit –
reflects the corporate responsibility for EIAs.
Actions must be built into team or Unit action plan.



9. Publish results

The publication template is compulsory: this is published to ensure consistency.
The EIA is officially completed when the template is published.
NB: the full EIA is also a public document under Freedom of Information.



10. Monitor and review

The EIA is not the end of the process: it is an evaluation leading to coherent actions for progress, which should then be implemented.
Progress against the EIA timetable is monitored.

Make sure that it is up-to-date
(contact Communities and Equality Team – x 1343 or 1280 or 2301)

Equalities Impact Assessment Publication Template

Name of review:	Council Tax Discounts and Exemptions reform
Period of review:	June 2012 to November 2012
Date review signed off by Head of Unit / Lead Commissioner:	
Scope of the review:	Check impact of proposed changes to Council Tax Discounts and Exemptions.
Review team:	Revenues and Benefits
Relevant data and research:	Analysis of scenarios for current recipients of these exemptions and discounts. Discussion with Empty Properties team
Consultation: indicate who was consulted and how they were consulted	Our main consultation was conducted via the online consultation portal between August and September 2012. We issued a press release, sent links to housing associations, the National Landlords Association, the Southern Landlords Association, the Community Voluntary Sector forum, among others. We also wrote individually to each recipient of the second home discount, as most of them live outside the city and may not have seen the press release.
Assessment of impact, outcomes and key follow-up actions:	No significant risks identified in terms of adverse impact on protected groups
Name and contact details of lead officer responsible for follow-up action:	Paul Ross-Dale Revenues and Benefits Manager

<p>For further information on the assessment contact:</p>	<p>Paul Ross-Dale Revenues and Benefits Manager</p>
--	--

More information on the Equality Act 2010 and the General Duties:

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and inequality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The new Equality Duty supports good decision-making – it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

The new Equality Duty replaces the three previous public sector equality duties – for race, disability and gender. The new Equality Duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

Having **due regard** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics;

- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic – such as providing computer training to older people to help them access information and services.

Taking account of disabled people's disabilities

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

Demonstrating compliance with the Equality Duty

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty.

It is important for people throughout public bodies to be aware of the Equality Duty.

These include:

- Members – in how they set strategic direction, review performance and ensure good governance of the organisation.
- Senior managers – in how they oversee the design, delivery, quality and effectiveness of the organisation's functions.
- Equality and diversity staff – in how they raise awareness and build capacity about the Equality Duty within the organisation and how they support staff to deliver on their responsibilities.
- Human resources staff – in how they build equality considerations in employment policies and procedures.
- Policy makers – in how they build equality considerations in all stages of the policy making process including review and evaluation.
- Communications staff – in how they ensure equality information is available and accessible.
- Analysts – in how they support the organisation to understand the effect of its policies and practices on equality.
- Front line staff – in how they use equality considerations in the delivery of services to the public.
- Procurement and commissioning staff – in how they build equality considerations in the organisation's relationships with suppliers.

Keeping a simple record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty – in practice, this means giving greater consideration to the Equality Duty where a function or policy has the potential to have a substantial effect on discrimination or equality of opportunity for the public or the public body's employees, and less consideration where the potential effect on equality is slight.

The Duty requires public bodies to think about people's different needs and how these can be met.