

Equality Impact Assessment – Protecting Pensioner Cases and Severely Disabled Working Age Claimants

Name of policy/ procedure/ practice to be assessed	Introduction of Localised Council Tax Support (Council Tax Reduction)		Date of Assessment	Nov 2022	
Is this a new or existing policy/ procedure/ practice?	New	Officer responsible for the Assessment	Michael Buckland (Head of Revenues & Benefits)	Department	Benefits
1. Briefly describe the aims, objectives and purpose of the policy/ procedure/ practice?	<p>The national Council Tax Benefit (CTB) scheme came to an end on 1st April 2013 and was replaced by a locally determined system of Council Tax Reduction (CTR). The funding available for the new scheme is limited. The aim of the local scheme is to provide financial assistance to council taxpayers who have low incomes.</p> <p>Persons who are of state pension age (a minimum 60 years or greater) are protected under the scheme in that the calculation of the support they are to receive has been set by Central Government.</p> <p>For working age applicants however, the support they receive is to be determined by the local authority.</p> <p>This equality impact assessment looks at the potential for not only protecting pensioners (as required under the legislation) but also providing full support to all working age claimants who are considered severely disabled within the current Council Tax Benefit scheme. The definition of severely disabled is where the claimant or partner is in receipt of a severe disability premium, within either their Council Tax Benefit, Housing Benefit or other means tested benefit;</p> <p>The objective in adopting this policy would be to protect a specific section of the existing claimant group deemed to be highly vulnerable and independently verified as being the most seriously sick and not likely to be able to obtain work.</p>				

	<p>The main issue for the Council is that the funding for support has been reduced significantly (estimated shortfall in funding of £600-£700k). However, exempting this one additional group (bearing in mind that pensioners are already protected under the scheme by Central Government) would increase the shortfall in funding to be borne by working age claimants who are not deemed severely disabled.</p> <p>Central Government has not been prescriptive in how an authority should protect vulnerable groups but points to the Council's existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996 as well as the public sector equality duty in section 149 of the Equality Act 2010. No definition has been given as to the level of disability which would lead to protection being given, although it is acknowledged that where a person is in the longer term able to undertake work, that they should be incentivised to do so. This would not apply to those who are deemed severely disabled.</p> <p>The current level of assistance provided to pension age claimants and to working age severely disabled claimants is given at the end of this assessment.</p>
<p>2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?</p>	<p>The authority is required to continue maintaining a full Housing Benefit scheme and also to continue to process claims for benefit alongside the introduction of the new scheme for Council Tax Support.</p>
<p>3. Who is intended to benefit from this policy/ procedure/ practice and in what way?</p>	<p>All persons within the Borough who have a low income may apply for support and assistance with their Council Tax.</p> <p>By making an application, providing evidence of their income and household circumstances, their potential entitlement for support will be calculated in line with Central Government prescribed requirements for the Council Tax Support scheme.</p> <p>In the case of all claimants, it will be essential for the authority to correctly process claims for support base on the new regulatory requirements and to ensure that all existing benefit claimants continue to receive support through the transition and onwards.</p>

<p>4. What are the desired outcomes from this policy/ procedure/ practice?</p>	<p>The desired outcomes are as follows;</p> <p>Pension Age Claimants</p> <ul style="list-style-type: none"> • That existing pensioner claimants for Council Tax Benefit (up until 31st March 2013) are successfully transferred to the new Council Tax Support scheme; • That all pensioners receive the level of support required by regulations set by Central Government (Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012); • That all new pensioner claimants or existing working age claimants who rise to pension age are able to receive Council Tax support in line with the regulations; and • That all pensioner claimants continue to receive the correct level of support at all times. <p>Severely Disabled Working Age Claimants</p> <ul style="list-style-type: none"> • That existing severely disabled working age claimants (as defined earlier in this assessment) for Council Tax Benefit (up until 31st March 2013) are successfully transferred to the new Council Tax Support scheme; • That all working age severely disabled claimants receive the level of support currently provided under the existing Council Tax Benefit scheme • That all new working age severely disabled claimants or existing working age claimants who become severely disabled are able to receive Council Tax support in line with current Council Tax Benefit scheme; and • That all working age severely disabled claimants continue to receive the correct level of support at all times.
<p>5. What factors/ forces could contribute/ detract from the outcomes?</p>	<p>There are a number of factors which contribute to the outcomes of the new process namely;</p> <ul style="list-style-type: none"> • That the new Council Tax Support scheme broadly replicates the existing Council Tax Benefit scheme for pension age and working age disabled claimants; • That management and staff are experienced in delivering means tested support / benefit schemes; and • That there is a comprehensive project plan, which ensures that delivery of the new scheme, will be on time and in line with legislative requirements.

The factors / forces that could detract from these outcomes are as follows;

- The failure of Central Government to approve the necessary legislation on time;
- The failure of the Council's software suppliers to deliver the necessary changes to existing software systems to enable the correct processing of the new support; and
- The failure to deliver these significant changes to the welfare benefit system on time.

6. Who are the main stakeholders in relation to the policy/ procedure/ practice?

In respect of the pension age and working age severely disabled claimants for Council Tax Support, the main stakeholders are as follows;

External Stakeholders

- Major Precepting authorities – County Council, Police Authority and Fire and Rescue Authority;
- Parish Councils (local precepting authorities);
- Pension Age claimants;
- Working age severely disabled claimants
- Potential pension age claimants;
- Potential working age severely disabled claimants
- Interested Groups such as Citizens Advice Bureau, Age Concern and Help the Aged, Disabled Persons Groups, RNIB, Action on hearing loss etc.
- Council Taxpayers generally

Internal Stakeholders

- Staff;

<p>7. Which individuals/ groups have been/ will be consulted with on this policy/ procedure/ practice?</p>	<p>All major precepting authorities have been consulted on the implementation of the new Council Tax Support scheme.</p> <p>The Department for Levelling Up, Housing and Communities have confirmed that consultation on the scheme is not required annually if it is not amended and therefore no consultation has been carried out as the scheme will continue to be aligned to Housing Benefit Applicable Amounts. For future consultations as pension age claimants are protected, the authority will still, as part of the consultation process, look to pension age claimants and pensioners generally to respond to the consultation itself.</p> <p>In respect of working age severely disabled claimants, it will be essential to consult with the group as, being of working age, they will be directly affected by any changes decided by the Council.</p> <p>For working age claimants who are not classified as severely disabled within this policy, it will be essential that extensive consultation is undertaken to obtain their views given that the level of support they receive will be reduced significantly where additional groups are protected.</p> <p>The consultation process will be comprehensive and encourage a full response to the new support scheme itself (notwithstanding the fact that the authority is obliged to implement the scheme determined by Central Government for pension age claimants).</p> <p>Groups representing the disabled or chronically sick will be directly consulted as part of the process.</p>	
<p>8. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact on racial groups?</p>		<p>N This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and there would be no differential impact due to race</p>

<p>9. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to gender?</p>		<p>N</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and there would be no differential impact due to gender</p>
<p>10. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them being transgender or transsexual?</p>		<p>N</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and there would be no differential impact due to a person being transgender or transsexual</p>
<p>11. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to disability?</p>		<p>Y</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants – and - where there is a severely disability, this would maintain the level of support given to working age claimants due to the following;</p> <ul style="list-style-type: none"> • The award of additional premiums for severe disablement; • Disregarding higher levels of income where a claimant is in remunerative work and is severely disabled; and • There is no requirement to have non dependant deductions where a claimant is severely disabled <p>Likewise any working age claimants who are not considered to be severely disabled would not benefit from the policy and would receive a reduction in support.</p>
<p>12. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to sexual orientation?</p>		<p>N</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age or working age severely disabled claimants and there would be no differential impact due to sexual orientation</p>

<p>13. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to age?</p>	<p>Y</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants – however there is a differential impact due to age;</p> <p>For working age applicants the support they receive is to be determined by the local authority.</p> <p>To provide financial assistance for the scheme, Central Government is to provide funding to each billing authority in England, however the level of funding provided is to be less than the amount currently provided to support the existing Council Tax Benefit scheme.</p> <p>If working age severely disabled claimants are to be protected in full, along with pension age claimants (as required by Central Government) there would be an increase in the level of support available to all other working age claimants although this would be a large group over which the reduction could be spread.</p> <p>In the case of the Borough Council, the shortfall to be borne by working age claimants not deemed to be severely disabled would amount to 25% per annum of Council Tax liability.</p>
<p>14. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to religious belief?</p>	<p>N</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and there would be no differential impact due to religious belief</p>
<p>15. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact on Gypsies/ Travellers?</p>	<p>N</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and there would be no differential impact to gypsies or travellers</p>

<p>16. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to dependant/caring responsibilities?</p>	<p>Y</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants – however where any claimant has dependants or have caring responsibilities, this could potentially increase the level of support given due to the following;</p> <ul style="list-style-type: none"> • The award of additional allowances for dependants within the household; • Disregarding higher levels of income where a claimant is in remunerative work and also has to pay for child care; and • Where there is a caring responsibility that results in the claimant of partner receiving carers' allowance, additional premiums can be given – it should be noted however that where a carers' allowance is in payment to another person (not the claimant) this might remove the claimants right to receive a sever disability premium.
<p>17. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them having an offending past?</p>	<p>N</p>	<p>This change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and there would be no differential impact due having an offending past</p>
<p>18. Are there concerns that the policy/ procedure/ practice <u>could</u> have an impact on children or vulnerable adults?</p>	<p>N</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and where there are children or vulnerable adults, the overall level of support will not change and all protections built into the Council Tax Benefit scheme that has been in place since 1993 remain under the new scheme. It is likely that by including the severely disabled, the most vulnerable groups of claimants will be protected</p>

<p>19. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?</p>		<p>N</p>	<p>This proposed change to Council Tax Support should not affect the overall level of support to pension age claimants or working age severely disabled claimants and there would be no differential impact identified that cut across equality strands</p>
<p>20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?</p>		<p>N</p>	<p>The adoption of this policy would, for pension age groups and working age severely disabled claimants, have no adverse impacts whatsoever. However, the Council will continue to encourage pensioners and working age disabled persons to make claims for assistance.</p>
<p>21. Can this adverse impact be justified:</p> <ul style="list-style-type: none"> • on the grounds of promoting equality of opportunity for one group? • For any other reason? 	<p>Y</p>		<p>The inclusion of just working age severely disabled claimants, as a protected group would provide significant additional protection without overburdening the remaining working age claimant base</p>
<p>22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?</p>		<p>N</p>	<p>There will be no requirement to undertake further consultation</p>
<p>23. As a result of this EIA should this policy/ procedure/ practice be recommended for implementation in it's current state?</p>	<p>Y</p>		<p>It is the Council's opinion that this policy to protect both pension age and all working age severely disabled claimants would be equitable and would ensure protection to the most vulnerable within the Borough</p>

PLEASE COMPLETE THE FOLLOWING ACTION PLAN FOR ALL IMPACT ASSESSMENTS

Equality Impact Assessment Action Plan

Complete the action plan demonstrating the changes required in order to meet TBC's commitment to equality and diversity. The action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

ACTION/ ACTIVITY	RESPONSIBILITY	TARGET	PROGRESS
Introduction of the Council Tax Support scheme for pensioners as prescribed by the Local Government Finance Act 2012 and defined within the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012	M Buckland	1 April 2023	Ongoing
Monitoring arrangements:		Data collected quarterly	
Full monitoring of scheme implementation on a monthly basis in line with the accepted project plan	M Buckland	Monthly and quarterly collection of data to be undertaken by the Benefits Service	Ongoing
Publication:			
The revised Council Tax Reduction scheme is to be published by the Council by April 2023, after consideration at Cabinet and then full Council in December 2022.	M Buckland		Ongoing
Review Period:		Reviewed 12 monthly unless otherwise stated	
The scheme will be reviewed annually by both Central Government and the Borough	M Buckland		Ongoing

Council			
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Expand as appropriate

Signed
(Completing Officer).....

Date

Signed
(Head of Department)

Date

Signed
Corporate Diversity/ Equality

Date

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