

Appendix D - Impact Needs/Requirement Assessment Completion Form

Department: Brent Customer Services	Person Responsible:
Service Area: Finance & Corporate Services	Timescale for Equality Impact Assessment :
Date: 11 th July 2012	Completion date: 7 th September 2012
Name of service/policy/procedure/project etc: Local Council Tax Support scheme with effect from April 2013	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input checked="" type="checkbox"/> Not found <input type="checkbox"/> Found <input checked="" type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Consultation conducted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Person responsible for arranging the review: David Oates	Person responsible for publishing results of Equality Impact Assessment: David Oates
Person responsible for monitoring: David Oates	Date results due to be published and where: Before the Executive Meeting on 15 th October 2012 on the Brent Council website.
Signed: David Oates	Date: 24 th September 2012

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Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

1. What is the service/policy/procedure/project etc to be assessed?

The Welfare Reform Act 2012 abolishes Council Tax Benefit. Once the Local Government Finance Bill becomes law, Local Authorities' will be required to design their own scheme to administer Council Tax Support, working within a framework set out in legislation. The Government has been clear that vulnerable pensioners should be protected, and that the changes should support incentives for people to find and stay in work. If it is not, the government's default scheme will be imposed, which is essentially a replica of CTB.

Unlike most other abolished benefits, council tax benefit is to be excluded from Universal Credit (Universal Credit is a single benefit that will replace Housing Benefit, Income Support, Job Seekers Allowance (Income Based), Employment and Support Allowance (Income Related), Child tax Credit and Working Tax Credit) and the Government has placed a duty on all local authorities to implement a local Council Tax Support Scheme.

Local Council Tax Support Schemes are to be devised, promoted, adopted and implemented by Local Authorities and there must be a published local scheme that has been agreed by the Council by 31st January 2013 ready for implementation in April 2013.

2. Briefly describe the aim of the service/policy etc? What needs or duties are it designed to meet? How does it differ from any existing services/ policies etc in this area

Council Tax Benefit- Background

Council Tax Benefit is an income-related benefit available to those on low incomes, with national rules for assessing entitlement. In contrast to other social security benefits, Council Tax Benefit is not administered by the Department of Work and Pensions or its agencies, but by approximately 380 local authorities in Great Britain. Council Tax Benefit is currently available to a range of customer groups, including but not limited to:

- both working age and pensionable age customers;
- both customers who are in work and out of work; and
- customers with and without disabilities.

Council Tax Benefit provides help towards the cost of Council Tax and can be claimed by any adult homeowners as well as those who rent their accommodation.

See Appendix D1 – Council Tax Benefit Background

2.1. Why is Council Tax Benefit Changing?

From April 2013, the Government proposes to abolish Council Tax Benefit. Every Council will have to replace it with a new local scheme to be known as Council Tax Support. The government is giving councils less money to pay for their new schemes. The revised funding will represent a fixed grant of 90% of the current Council Tax Benefit subsidised expenditure and will not therefore be increased if the number of people claiming or the council tax level increases.

The local council tax support scheme must be agreed by 31 January 2013. If the scheme is not approved by this date, a default scheme will be imposed by the government and in these circumstances the 10% funding reduction will need to be met from other sources, for example, increasing council tax levels or reducing other services.

The benefit system is facing a radical over-haul which was kick started back in 2011 with changes to Housing Benefit. For the most part, reform has meant the amount of money available to councils has generally reduced.

At the same time, the Government has introduced the Localism Bill; much of this bill involves the government handing over control of budgets and decision making powers to local councils. One of the

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many benefits to be affected by these changes is the national Council Tax Benefit scheme which will be replaced by local Council Tax Support in April 2013.

As well as having to create a local scheme that is suitable for Brent, the council will be required to protect claimants of pensionable age from the changes whilst operating within a budget that has been reduced by over ten per cent. The cumulative effects of these requirements mean that the reduced level of funding is likely to have the greatest impact on working age customers

Estimates suggest this represents a funding gap of £5.2 million, taking account of the increasing number of people currently claiming benefit. This gap will increase further if the number of people claiming benefit goes up more than expected or if Council Tax levels increase.

This shortage in funding means the Council has to take some difficult decisions about who gets financial support and how much.

2.2. What is changing?

Every council will have to replace Council Tax Benefit with a new local scheme called Council Tax Support. The government will be giving councils less money to pay for their new schemes. The reduction in funding represents 10% of current Council Tax Benefit subsidised expenditure and will not be increased if the number of people claiming or the council tax charge increases as it is a fixed grant.

Apart from pensioners, who will generally see no change to the amount of financial assistance they currently get towards their council tax bill, everyone currently entitled to council tax benefit will potentially be affected, although Brent's recommended proposal for its new Council Tax Support scheme seeks to protect the most vulnerable from the biggest impacts.

The new scheme will be designed to meet the needs of the local area with Local Authorities being permitted to determine the provisions for their own Council Tax Support scheme. As a result there is the likelihood that Councils have very different schemes in place and therefore with customers having varying levels of entitlement depending upon where they live. However, as previously mentioned, if the local council tax support scheme is not approved by 31st January 2013 then a default scheme will be imposed by the government.

2.3. Proposals

2.3.1. Overview

2.3.2. Government Proposals

The Government has stated that it wishes to protect pensioners in each Local Authorities scheme through the provision of national rules and conditions of eligibility. For all other recipients, there is a requirement to agree local eligibility criteria. This means that for working age people, Councils are required to design their own scheme to provide support with Council Tax.

The Government's proposals have three stated objectives:

- creating the right incentives to get more people into work by ensuring that work always pays,
- protecting the most vulnerable people, and
- delivering fairness to those claiming benefit and to the taxpayer.

Under the existing Council Tax Benefit scheme, the Council generally receives 100 per cent of its expenditure from the Government for the amount of Council Tax Benefit it pays out to local claimants. However, under the new system it will be given a fixed sum by the Government to make support payments. This sum will be at least ten per cent less than the amount that is currently paid out as Council Tax Benefit.

This means that any increases in CTS expenditure during the year, such as an increase in the number of claimants claiming support or an increase in Council Tax levels will need to be funded by the Council in addition to the immediate ten per cent reduction. Consequently, the funding gap is anticipated to amount to £5.2 million for 2013/14. Currently CTB expenditure is growing by £0.5M per annum.

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Each local authority must consult with the GLA and such other persons as they see fit concerning their draft scheme proposals and must make and publish a local CTS scheme by 31st January 2013. If the scheme is not made and published by that date, a default scheme will be imposed on the Council that is broadly based upon the existing Council Tax Benefit scheme. Consequently, should this situation occur, the £5.2M funding gap would need to be met from other means including for example increasing Council Tax levels or reducing other service expenditure.

2.3.3. Brent Proposals

The Government has stated that pensioner claimants shall be protected from the effects of any changes by a national framework that addresses eligibility and amounts.

In relation to claimants of working age, consideration has been given by Brent Council to retaining the existing national Council Tax Benefit provisions albeit within a new local scheme (i.e. making no changes) together with the funding implications that would flow from this. This option would essentially require the Council to find the anticipated savings of between £3.9M and £5.1M from either reserves and / or via the General Fund through Council Tax increases or service reductions elsewhere. As the Council does not hold a level of reserves that would enable it to achieve this and provide a degree of contingency, this option has been discounted. Additionally, reducing the levels of other services provided and / or increasing Council Tax levels have also been discounted due to the level of the financial amount that would be involved at a time when services are already under immense pressure to find cost reductions and the economic climate does not currently lend itself well to Council Tax increases.

Consideration has also been given to mitigating the effects of the potential funding shortfall that would arise from the proposed changes by reviewing the levels of Council Tax discounts and exemptions that are currently applied to vacant properties within the Borough including long term empty homes and second homes. However, this option alone would not fully achieve the levels of financial savings needed to meet the anticipated funding gap indicated above. As a consequence it is proposed that the funding gap be financed mainly from within the Council Tax Support scheme design that is based predominantly upon the existing national Council Tax Benefit scheme but with some changes made as outlined below.

The draft scheme is based on a set of principles, with accompanying technical mechanisms to achieve each principle, and represent a number of variations to the current CTB scheme for working-age claimants. (Pensioners are protected from any changes as per government prescription.) These are as follows:-

Principle 1: Everyone should pay something

Claimants (unless defined as protected) will be required to pay a minimum contribution to their council tax – set in the draft scheme at 20 per cent.

Principle 2: The most vulnerable customers should be protected (from the minimum contribution of 20 per cent)

Claimants will be protected from the 20 per cent minimum contribution if they, their partner or dependants are entitled to a disability premium or enhanced disability premium (normally given where disability living allowance has been awarded) or disabled earnings disregard, or the claimant is in receipt of disabled persons reduction for council tax purposes, war disablement pension or war widow's pension.

Principle 3: The scheme should incentivise work

Incentives to work will be achieved by letting claimants who are working keep more of what they earn (before the benefits means-test is applied). The draft scheme proposes an increase of £10 per week in the amounts that claimants are allowed to keep for single person, couple and single parent earnings (currently set at £5, £10 and £25 respectively).

Principle 4: Everyone in the household should contribute

Currently, when assessing a claimant's entitlement to benefit, other adults in the claimant's home (i.e. non-dependants) are treated as contributing towards the council tax bill resulting in a lower amount of benefit being given. The draft scheme proposes doubling existing levels of these contributions. Additionally for other adults in receipt of job seekers allowance (income based), a charge of £6.60 per week is proposed instead of no charge as at present.

Principle 5: Better off claimants should pay relatively more so that the least well off receive greater protection

The draft scheme proposes to continue to reduce entitlement to help with Council Tax as income / earnings

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increase. However, it is proposed that the calculation of this is adjusted so that the rate at which Council Tax Support reduces where weekly income exceeds basic living needs is 30p in every pound rather than the 20p currently applied. This is referred to as the taper; it is currently 20 percent and will become 30 per cent per week under the proposed CTS scheme.

Principle 6: Benefit should not be paid to those with relatively large capital or savings

Our draft scheme proposes £6,000 as the savings limit for CTS - currently this is £16,000 for CTB.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

In the context of the anticipated funding gap and lack of other practical options available to cover the shortfall, it is proposed that the majority of the savings are achieved through designing a Council Tax Support Scheme that incorporates some changes to the existing Council Tax Benefit Scheme provisions.

Each of these changes, outlined above in the six Principles, has been considered in terms of its impact on people with protected characteristics, as well as its impact on the Council's statutory obligation to protect vulnerable groups.

This is aligned to the Council's Equality Policy in particular our commitments to:

"gather and make use of equality information to inform our business priorities and the allocation of resources".

"take steps to address and remove inequality where it is found".

and

"... take steps to tackle inequality where it exists across the borough".

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

This equality assessment is being undertaken to determine the impact of the new Council Tax Support scheme on the nine protected characteristics; namely age; race; disability; sex; gender reassignment; faith; sexual orientation; maternity and pregnancy

This assessment is intended to identify any impact that may arise on any of the various groups that could be attributed to the proposed Council Tax Support provisions. In this section, we have focused on any specific provisions that could have an impact (either direct or indirect) on each of the protected groups.

Council Tax Benefit is currently available to all groups, regardless of ethnicity, disability, gender or age provided that the eligibility and entitlement conditions are met. However, in line with other income-related benefits, those most in need generally qualify for entitlement. This means that some groups are more likely to be in receipt of Council Tax Benefit at present, as they are less likely to have an income that exceeds their basic living needs. This is because, when calculating a claimant's basic living needs, additional premiums and allowances are to be awarded for disabled customers, customers of pensionable age and families with children when calculating their basic living needs.

The key stakeholders that are directly affected by the proposals include:

- Current Council Tax Benefit Claimants
- Potentially any new Council Tax Support applicants from 1st April 2013 onwards,
- Council Tax Payers

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We currently have a caseload of 35,792 claims for Council Tax Benefit. This comprises 24,604 working age customers and 11,188 pensionable age customers (See Glossary).

The 24,604 working age claimants in receipt of Council Tax Benefit can be further analysed as follows (in terms of their likely characterisation under the proposed Council Tax Support scheme):

- 11,281 Working age 'Passported customers'. (**Passported Customer** - the customer is in receipt of either Job Seekers Allowance (Income Based), Employment and Support Allowance (Income related) or Income Support).
- 9,854 Working age Standard cases or 'Other customers' (**Other Customer** - the customer is either Employed or Self Employed or the customer is neither working nor in receipt of a passported benefit).
- 3,469 Working Age 'Protected customers' (**Protected Group Customer** - the customer's household income includes Disability Living Allowance, War Disablement Pension or a War Widows Pension as outlined in the protected groups definition).

The total number of live Council Tax accounts we currently have is 112,603. Therefore, 31.79% of Council Taxpayers currently receive Council Tax Benefit of which 21.85% are of working age.

According to existing data held on the Council Tax Benefit database, the following protected characteristics have been identified:

4.1. Age Equality

Pensionable age caseload makes up 31.26% of the total caseload. However, they are specifically protected by Government regulations and therefore will generally receive the same amount of support as is available under current Council Tax Benefit rules.

Although not claimants in their own right, there are currently 14,039 working age claims with children under the age of 19 years old resident in the home. Of these, 9885 (i.e. 70%) families have between 1-2 children, 3452 (i.e. 25%) have between 3-4 children and 702 (i.e. 5%) have more than 5 children.

Families with dependent children will receive additional premiums and allowances as part of the entitlement calculation to reflect the additional costs associated with raising children.

Additionally, there will be no impact in relation to those people who claim child benefit as the proposed scheme will fully disregard child benefit as an income,

The current Council Tax Benefit calculation provides a financial incentive to work by disregarding some earned income, making allowances for childcare costs, reducing benefit on a sliding scale as income increases and continuing payment for four weeks after moving into work when there would otherwise be no entitlement.

The working age caseload (aged 18-60) makes up 68.74% of the total caseload and it is this group that will receive less support in order to achieve savings. The Working age caseload comprises of 18-24 year olds (4.74%), 25-34 year olds (20.98%), 35-44 year olds (31.95%), 45-54 year olds (30.72%) and 55-60 year olds (11.62%).

There is some variance in the level of support withdrawn over the age groups when assessed under the new scheme; however, this can be reasonably explained.

One example is that 55-60 year olds are more likely than the other age groups to have reduction in benefit of just £0-£3 per week, the reason for which is that this age group is also more likely to be protected under Principle 2 due to being identified as disabled. Another factor is that this age group are more likely to live in larger properties. For example, 15% live in Band E properties compared to 3% aged 18 - 24 and 6% aged 25 - 34 than the younger age groups.

Another factor identified is that the age groups of 35 and above are more likely than the groups aged under 35 to have a reduction in benefit of £5 or more per week. However, this can be explained by the fact that the higher age groups are more likely to have one or more other adults in their household who, in principle, should be able to contribute to meeting the shortfall (see Principle 4).

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It should also be noted that a significant number of 25-34 year olds could be affected by the recent changes to Housing Benefit legislation from January 2012 when single Housing Benefit claimants aged under 35 had additional restrictions placed on the amount of Housing Benefit they could receive in addition to decreases in council tax support arising from the proposed scheme.

In Brent, the above Housing Benefit changes resulted in an average loss of entitlement of £23.81 per week for claimants in the 25-34 year old group. These changes to Housing Benefit are policy decisions made by central government and not local authorities and therefore this group may be affected by central government restrictions to housing benefit. However, there is no evidence to suggest that this group will be affected more than any other age group when comparing overall changes to the average reduction in entitlement under the proposed council tax support scheme.

For many of the claimants in this age group (most commonly those in receipt of a passported benefit) it will be the first time that they will have to contribute towards their council tax liability; as under the existing national scheme they generally receive a 100% rebate. They do not generally receive any other state benefits besides Job Seeker's Allowance, Income Support or Employment Support Allowance – and all at the lowest rates. They do not receive Disability Living Allowance, Child Benefit or Tax Credits and their applicable amounts and personal allowances are generally lower as children and disability are not often a factor in their basic living needs assessment.

4.2. Disability Equality

The Equality Duty explicitly recognises that a disabled customer's needs may be different to those of non-disabled customers.

One of the main considerations when proposing Council Tax Support scheme has been with regard to additional protections for disabled persons.

Additionally, Brent has given due consideration to its obligations under the Equalities Act within its **Principle 2: The most vulnerable claimants should be protected (from the minimum contribution) proposed for Council Tax Support.**

Within the cases recorded, 14% of working age customers have currently been identified as a protected group that will be protected from the requirement to pay a minimum Council Tax amount of at least 20%.

However, there are additional "passported" claimants whose entitlement to a Disability Premium is effectively "hidden" within their existing DWP Benefit entitlement and therefore not currently known to the Council. These cases will need to be identified and updated in advance of the implementation of a final scheme taking place. However recent sampling of 10% of these cases showed 14% of Income Support cases (753) and 11% (198) of ESA cases were entitled to the disability premium and therefore protection from the minimum contribution in CTS may apply.

4.3. Gender reassignment Equality

No impact on this group – This protected group comprising people considering or undergoing the process of gender reassignment is often one of the hardest groups to reach.

Gender reassignment will not be a factor in the assessment of Council Tax Support in relation to allowances and premium used when assessing entitlement to support. However, it is not possible to comment more fully on the effects of future income received by claimants in this group as this will be dependent upon their income and circumstances at that time which may vary and cannot be predicted with precise certainty.

As much of the existing Council Tax Benefit Scheme is to be retained in the proposed Council Tax Support Scheme, it is anticipated that it will not adversely affect claimants in this group. However, there is not currently sufficient data and evidence available to validate this more fully.

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4.4. Marriage and Civil Partnership Equality

The current council tax benefit scheme recognises married couples and civil partnerships equally and this will continue with the basis of the current scheme in determining eligibility.

Marital or civil partnership status entitles a claimant to the couple personal allowance rate and premiums and as all working age couples are affected by the proposed changes, it is not anticipated that Council Tax Support will adversely affect claimants based upon their marital or civil partnership status.

However, there is not currently sufficient data and evidence to validate this more fully.

4.5. Pregnancy and Maternity Equality

For the purposes of Council Tax Support, pregnancy and maternity are to be considered as two separate characteristics as whilst the claimant is pregnant, premiums and personal allowances are unchanged until the child is born and becomes a member of the claimant's household. At that time, an additional premium and allowance are awarded and child benefit income will be disregarded when calculating income received by the claimant.

Maternity Allowance (MA) is a benefit paid weekly by Jobcentre Plus to pregnant women. Maternity Allowance is paid in the following circumstances:

- The claimant is employed, but not eligible for Statutory Maternity Pay (SMP) from an employer
- The claimant is registered self-employed and paying Class 2 National Insurance Contributions (NICs), or hold a Small Earnings Exception certificate
- The claimant has recently been employed or self-employed

Maternity Allowance can be paid for up to 39 weeks. The qualifying conditions for MA depend on the date the baby is due not the date the baby is actually born. A claimant can only get MA if they cannot get SMP from their employer.

For claimants on JSA (IB), they will move onto Income Support only once the pregnancy is at 29 weeks and then after the birth of the child, the claimant will be in receipt of Income Support and Child Tax Credit.

Pregnancy is not a factor in relation to allowances and premium used when assessing entitlement to support. However, it is not possible to comment more fully on the effects of future income received by claimants in this group as this will be dependent upon their income and circumstances at that time which may vary and cannot be predicted with certainty.

As much of the existing Council Tax Benefit Scheme is to be retained in the proposed Council Tax Support Scheme, it is anticipated that it will not adversely affect claimants in this group. However, there is not currently sufficient data and evidence available to validate this more fully.

4.6. Race Equality

Race is not a factor in the calculation of council tax benefit in the current scheme and will not generally be a factor in the assessment of Council Tax Support as it does not entitle the claimant to a higher allowance or premium.

Where ethnicity is recorded on our database (57.53% of total caseload, 64.12% of working age caseload), 'Asian' customers makes up 14% of our working age customers (9.79% of total caseload), 'Black' customers 25% (17.08%) and 'White' customers 20% (13.61% of total caseload).

A large number of the working age customers (52%) will encompass a reduction of £3-£5 per week of entitlement under CTS. However, The 'Asian' group is more affected with a reduction of £5.00 or more per week under CTS than any other group.

Table 1 shows a total of 6139 claimants are affected by a difference of more than £5.00 per week in

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entitlement, of which the 'Asian' Group comprises 1357 claimants which makes up 39% of the 'Asian' group compared to 'Non Asian' group. The non 'Asian' group affected by a reduction of £5.00 or more per week is 4782 customers, which represents 23% of the total working age non 'Asian' group. The composition of the non 'Asian' group is as follows:

1177 (19.25%) of 'Black' group,
 1150 (23.61%) of 'White' group,
 150 (19.87%) 'Mixed' group
 247 (31.87%) Other' Group.
 2058 (23.97) Not Known

Table 1: Analysis of Asian Group compared to non Asian Group with a reduction of more than £5.00 per week in entitlement:

Ethnic Group	Number of claims affected where entitlement is reduced by more than £5.00 per week	Total Working Age Caseload	% of Caseload affected by reduction of more than £5.00 per week
Asian	1357	3505	39%
Non Asian	4782	21099	23%

Table 2 below shows that one reason for this is that Asian families have a greater proportion of dependents (i.e. 22% have 3-4 children per household compared to 10% of the 'white' group). Consequently, they have larger homes and hence more Council Tax to pay for the Valuation Band allocated. For example, 16% of the 'Asian' ethnic group resides in Band E properties compared to 9% 'Black or 10% 'White' ethnic groups.

Table 2: Breakdown of Asian Group compared to non Asian Group with 3-4 dependants per household

Ethnic Group	3-4 Dependants	Total Working Age Caseload	% of Caseload
Asian	779	3505	22%
Non Asian	2673	21099	13%
Totals	3452	24604	14%

Additionally, the Asian group has significantly more adults other than the claimant and partner residing as part of the household (6% 'Asian' households have 2 other adults living as part of the family compared to 3% of any other ethnic group as shown in Table 3. This results in more non dependant charges and a reduction in support entitlement as a consequence. Non dependant deductions are primarily based upon the income and circumstances of a non-dependant with no deduction made where they receive Income Support for example and a higher weekly deduction where they are working and receiving a salary or wages.

Table 3: Breakdown of Asian Group compared to non Asian Group with 2 non-dependants per household

Ethnic Group	2 Non-Dependants per household	Total Working Age Caseload	% of Caseload
Asian	225	3505	6%
Non Asian	673	21099	3%
Totals	898	24604	4%

It has been identified in Table 1 above that the Asian group would be more adversely affected by the proposed scheme with a proportionately higher reduction in entitlement between CTS and CTB. This affects a total of 1357 Asian households. In context this represents 5.52% of the working age population, 3.79% of the total CTB caseload and 1.20% of all council tax payers.

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The principle of the proposed Council Tax Support Scheme to double the existing Council Tax Benefit weekly deduction applied to a claimant's entitlement in certain instances is intended to represent the fact that there is a greater income being received within the household and consequently an expectation that the other adults resident would contribute towards household bills. The proposal to introduce a deduction for non-dependants in receipt of Job Seekers Allowance (Income Based) is intended to support the principle of incentivizing work.

4.7. Religion and Belief Equality

Religion and belief will not generally be a factor in relation to allowances and premiums used when assessing entitlement to support. The exception to this is that a higher applicable amount may be determined for a claimant in a polygamous marriage that may be applicable to certain religions and beliefs.

It is not possible to comment more fully on the future effects of income received by claimants in this group, as this will be dependent upon their income and circumstances at that time which may vary and which cannot be predicated with certainty.

It is anticipated that the proposed Council Tax Support Scheme will not adversely affect anyone based upon religion or belief, as there are currently no claimants identified as being in a polygamous marriage and much of the existing Council Tax Benefit Scheme is to be retained in the proposed Council Tax Support Scheme. However, there is not currently sufficient data and evidence available to validate this more fully.

4.8. Sex Equality

Gender will not be a factor in relation to allowances and premiums used when assessing entitlement to support.

It is not possible to comment more fully on the future effects of income received by claimants in this group, as this will be dependent upon their income and circumstances at that time, which will vary and therefore cannot be predicted with certainty.

Assessment of Council Tax Benefit considers overall household income, rather than distinguishing between male and female recipients of these benefits.

Based on our total caseload, female customers represent 54.14% against male customers representing 45.77%. Of our working age customers, female customer's makes up 56.70% compared to 43.24% male customers.

In case of couples, there are more male customers (where the male is the 'claimant' and the female is on the claim as a 'partner') than female customers with a variance of 26%. The explanation for this may be that in relation to a married couple and couples living together as husband and wife, generally men will complete the application forms and therefore submit their name first as the claimant.

4.9. Sexual Orientation Equality

Sexual orientation will not generally be a factor in relation to allowances and premiums used when assessing entitlement to support.

It is not possible to comment more fully on the effects of future income received by claimants in this group, as this will be dependent upon their income and circumstances at that time that may vary and cannot be predicted with certainty.

It is however anticipated that the proposed Council Tax Support Scheme will not adversely affect anyone based upon their sexual orientation and much of the existing Council Tax Benefit Scheme is to be retained in the proposed Council Tax Support Scheme.

However, there is not currently sufficient data and evidence available to validate this more fully.

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Appendix D2 - Equality Strand Analysis which provides a detailed analysis and impact on the nine protected characteristics and identifies any issues/adverse impacts and needs.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

The issues/ impacts identified are based on, Council Tax Benefit data, Brent Borough Profile and findings of the nine week public consultation.

5.1. Brent Council Tax Benefit Caseload

The Council Tax Benefit caseload is stored on a database which is used to process and pay Council Tax Benefit claims. Due to the mandatory nature of many of the fields on the database it holds the age and gender of all household members. It also holds whether the claimant is single or living with a partner as a couple and, through the income declared by the claimant (and the resulting Premiums these incomes generate), can determine whether there is a disabled member of the household.

When making a claim for Council Tax Benefit the claimant is given the option of stating their Ethnicity, Faith and Sexual Orientation. When the claimant provides this information it also stored on the database.

- There are currently 35,792 council tax benefit claims. Of these 24,604 are working age customers and 11,188 pensioner age. The council tax support scheme affects the 24,604 working age customers currently in receipt of CTB.
- Of the working age caseload 57% are female and 43% are male.
- Of the working age caseload 74% are single and 26% are living as part of a couple.
- Of the working age caseload 14% have been identified as disabled.
- The database holds Ethnicity data for 64% of the working age caseload.
- The database does not hold enough information regarding claimant's Ethnicity and Sexual Orientation to be statistically relevant.

5.2. Brent Borough Profile

The Brent Borough profile is available on-line. It gives a profile of Brent residents based on estimates provided by the Office of National Statistics (ONS) and the Greater London Authority (GLA).

5.3. Alternative Scheme Considerations

A number of other variations to the current CTB scheme have been investigated and modelled, but rejected for a variety of reasons. In brief, these included:-

5.3.1. Exclude the need for a minimum contribution ("Principle 1") element

Will not make necessary savings as mentioned previously

5.3.2. Options with a higher minimum contribution (e.g. 25% or 30%)

Collection rate will be lower and cost of collection higher; 20% is considered to appear more "reasonable" to the public; claimants will have many other financial pressures from other welfare reforms; and a scheme with high expected non-collection rates could lack basic credibility

5.3.3. Capping entitlement at Council Tax liability level

Would impact on large households, and disproportionately on BME groups; and on those claimants

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potentially already impacted by Housing Benefit caps from 2011/12 and the overall income cap to be introduced from April 2013

5.3.4. Stopping or restricting backdating of claims (currently paid where there is a good reason for a claimant making a late claim)

Produces very small savings, and also impacts on some of the most vulnerable – those least able to handle their own affairs; understand the Benefit system; or otherwise disadvantaged

5.3.5. Limited period awards (e.g. only pay CTS for six months)

Likely to result in a very low Council Tax collection rate for the period after benefit ends, and administratively complex

5.3.6. De minimus rule

To produce reasonable levels of savings, a de minimus of at least £7.50pw would be required (32% of a Band C charge); too crude a mechanism and likely to impact on claimants where other restrictions (e.g. higher taper or non-dependant charges) have already applied

5.3.7. Discretionary scheme element to cover cases of extreme hardship

Would have to be funded by harsher application of the CTS rules elsewhere; also more administratively complex and more likely to lead to inconsistent decisions

5.3.8. Uprate applicable amounts and personal allowances by rate of inflation (CPI) from 2013 onwards

Introduces an inflationary element into scheme design which would need to be funded by harsher application of the scheme elsewhere

5.3.9. Simplify the system of non-dependant charges by having one charge for working non-dependants and one for non-working

The weight of the increased charges falls more on lower income non-dependants than on higher ones – relative to application of the preferred scheme mechanism (doubling existing charges) - and therefore contrary to scheme principles.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

The proposed scheme meets the core elements of the Equalities Act firstly by retaining the provisions in the existing CTB scheme that acknowledges that disabled households often require higher basic living costs. This is achieved through Disability related premiums and allowances as well as disability related incomes being disregarded in the benefit calculation.

In addition, principle 2 of the proposed scheme protects disabled households from the 20 percent minimum contribution most non-disabled claimants will be expected to make towards their Council Tax liability.

The allowances and premiums used in the calculations of all CTS claims recognises that needs and living costs for each household is dependant on the size, age and any special requirements of the household members. This is further demonstrated through incomes such as Child Benefit being fully disregarded in the benefit calculation and the cost of childcare generally being deducted from the claimant and any partner's earnings prior to the benefit calculation.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of

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the consultation?

Public consultation on proposals for the Council Tax Support scheme took place between 11th June 2012 and 10th August 2012. This was conducted using a range of medias and approaches including a consultation questionnaire both online and in hard copy format, a series of public meetings, attendance at area and service user forums, email and text correspondence to existing claimants and Council Citizens Panel members, and correspondence and meetings with welfare and advice groups located within the Borough and individuals as requested.

The consultation was widely publicised using a variety of methods including the Brent Magazine that circulates to the majority of households in the Borough, press releases, posters in the public libraries, local customer services offices and advertising hoardings within the Borough as well as leaflets issued to customers and sent with 13,000 Council Tax bills during June.

Community Engagement and Consultation

There are a number of stakeholders within the Borough who may potentially be affected by the CTS scheme proposals. These include but are not limited to:

- Elected Members
- Existing CTB claimants and potential CTS applicants
- Council Tax Payers
- Welfare Advice Groups including Mencap, Advocacy Project, Disablement needs, RNIB, RNID,
- Housing Associations and Landlords
- Citizens Advice Bureau
- GLA
- Brent Council employees and relevant Council services (Housing, BHP and Children and Families in particular)
- Chamber of Commerce

Capita Business Services Ltd, as the Council's contractor for Council Tax collection and enforcement services, were also consulted regarding the proposals

There were 184 consultation questionnaire responses received, comprising 97 online responses (52.7%) and 87 paper responses (47.3%).

There were an estimated 267 residents that attended the Area Consultative Forums during the consultation to hear further details of the proposals and to provide feedback to officers and members.

The results of the consultation process have provided a valuable range of information about what Brent residents feel should be the priorities for the new scheme and, in some cases, alternative suggestions of how the scheme could work.

The consultation report is available in Appendix A of the main report.

Additionally, **Appendix D3** - shows an analysis of an alternative suggestion following the consultation on protecting claimants in receipt of Carers Allowance. Brent proposes to include the protection against Principle 1 for any working age claimant or their partner in receipt of Carers Allowance as part of its proposed Council Tax Support scheme.

8. Have you published the results of the consultation, if so where?

The results of the formal consultation as outlined in Question 7 will be published on the Council's website both on the Council Tax Benefit and Consultation homepages. All forums, citizen panel members and key stakeholders will be notified of the consultation reports.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory

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manner?

Comments and views have been expressed by some consultation respondents. Whilst these do not appear to expressly indicate that the service will be discriminatory in its manner, they have provided other options and alternatives for consideration and supporting comments as appropriate.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

It is recognised that there is close correlation between the high density areas of Council Tax Benefit claimants throughout the borough and areas that have been identified as having high levels of deprivation. As the proposed Council Tax Support scheme will result in less financial assistance both for residents who are currently in receipt of Council Tax Benefit and those who may need to claim in the future, it is anticipated that it will have an adverse impact.

However, the proposed scheme can be justified when considering the severely limited options available to the Authority when presented with a need to find up to £5.2m worth of savings to meet the anticipated funding gap.

The proposed scheme has been designed to identify those who would be least able to deal with a reduction in support and protect them from the full effects of the changes where possible. For those not protected the scheme aims to minimise the impact of the reduction of support by fairly distributing the savings throughout the caseload. Other potential means of mitigation have been set out in the Consultation Report at Appendix A.

11. If the impact cannot be justified, how do you intend to deal with it?

N/A

12. What can be done to improve access to/take up of services?

The proposed scheme will have by far the greatest impact on existing claimants of Council Tax Benefit. It is recognised that we already hold a large amount of data concerning exactly who the proposals will affect, to what degree and why. Once a final Council Tax Support scheme is agreed we can undertake a full awareness campaign directly targeted at both groups and individuals affected about what the scheme means for them.

A communications campaign for Welfare Reform, of which localised Council Tax Support is a significant strand, has already commenced. This has included new pages on the Brent website, leaflets, magazine adverts and posters aimed at raising awareness of the possible impacts of Council Tax Support, as well as offering various channels (phone numbers and e-mail addresses) for residents to direct questions and concerns. Once a final Council Tax Support scheme is agreed this campaign can be expanded to further communicate the exact details of the scheme to the wider community, many of whom could be entitled to receive support but had previously been unaware that they could claim.

13. What is the justification for taking these measures?

The Government will abolish the existing Council Tax Benefit scheme from April 2013. Every Council is required to replace it with its own local Council Tax Support scheme. However, the funding for the new schemes is significantly reduced as all boroughs will receive a fixed grant of just 90% of their current Council Tax Benefit expenditure, which in Brent equates to £5.2m loss of funding for 2013/14.

Any Authority that fails to devise and publish its own scheme before January 2013 will have a default

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scheme imposed upon them by central government. In essence the default scheme will have the same rules as the existing Council Tax Benefit scheme, resulting in a similar level of expenditure, which, taking in to account the new financing model, would leave Brent with a £5.2m funding gap for the first year.

Failure to take these measures means that up to £5.2m representing the anticipated funding gap would need to be found either from reserves and/or via the General Fund through Council Tax increases or service reductions elsewhere.

Given that one of the scheme objectives is to incentivise work, the provisions in the proposed scheme to protect the most vulnerable, as well as the strong financial pressure to introduce the scheme and the need to bridge the anticipated funding gap, officers consider that the adverse effects on some groups is justifiable in the circumstances.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

There is a legal obligation to formally review the new scheme on an annual basis. The review will be carried out in relation to the equalities analysis process.

Throughout the year the scheme will be monitored via management reports that show how, and to what extent, each individual claimant and their household has been impacted. These reports will be analysed to identify any groups of people that are disproportionately affected by the changes.

The information gathered from this monitoring will be used to inform any changes required to the scheme before the second year (April 2014). Furthermore any significant changes proposed would be consulted on prior to implementation.

15. What are your recommendations based on the conclusions and comments of this assessment?

The vast majority of Council Tax Benefit claimants, across a wide range of groups, will see a reduction in the amount of support they receive under the new scheme. Close monitoring of the entire caseload will be essential to identify any unforeseen adverse effects on any particular groups.

Existing claimants that have been identified as being most impacted by the scheme should be contacted directly, and at the earliest practical opportunity so that they understand the changes and have time to prepare for them.

Proactive steps need to be taken to raise general awareness of the new scheme across the borough. Early communication of the changes to all groups will be vital in mitigating the impact by giving all residents the chance to seek support and advice in advance.

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research?

16. If equality objectives and targets need to be developed, please list them here.

There is no immediate action proposed from the above although existing claimants will be contacted once the localised Council Tax Support Scheme has been made by the Council to make them aware of the changes and to enable them to make any appropriate advance arrangements.

The key objectives from this assessment are as follows:

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1. To monitor and review any potential adverse impact on any of the protected groups and to consider any appropriate changes that may need to be made to the scheme in the second year as a consequence.
2. To review the localised Council Tax Support Scheme and to consider and incorporate where reasonably practicable any changes identified from objective 1 above when the scheme is reviewed.

17. What will your resource allocation for action comprise of?

The scheme will be subject to monitoring and review by Brent Customer Services Management Team as a key function of their operational responsibilities.

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment: David Oates

Full name (in capitals please): DAVID OATES

Date: 24th September 2012

Service Area and position in the council: Head of Benefits

Details of others involved in the assessment - auditing team/peer review: Bhavna Pattni, Elizabeth Bryan, Neil Gann

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**