



Executive – supplementary Local Welfare Assistance Scheme appendices

Monday 11 February 2013 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Councillors:

Portfolio

Butt (Chair)	Leader/Lead Member for Corporate Strategy & Policy Co-ordination
R Moher (Vice-Chair)	Deputy Leader/Lead Member for Finance and Corporate Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Hirani	Lead Member for Adults and Health
Jones	Lead Member for Customers and Citizens
Long	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
Powney	Lead Member for Environment and Neighbourhoods

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The press and public are welcome to attend this meeting

Agenda - supplementary

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

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This report sets out: a recommended scheme for Local Welfare Assistance payments replacing the previous provision of similar services via Job Centre Plus and administered through the Department for Work and Pensions, and taking account of the outcomes from the recent public consultation process; the findings and outcomes of the consultation arrangements for the proposed Local Welfare Assistance Scheme carried out over a five week period between 6 December 2012 and 11 January 2013; the financial and equality impacts of the recommended Local Welfare Assistance Scheme for Brent residents.

Ward Affected:
All Wards

Lead Member: Councillor R Moher
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Date of the next meeting: Monday 11 March 2013



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 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

Appendix A

London Borough of Brent - Customer Services

Local Welfare Assistance Scheme - Consultation

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1.0 Executive Summary

- 1.1 The Council undertook a consultation on its proposals for a Local Welfare Assistance Scheme although there were no statutory obligations to do so.
- 1.2 The 5 week consultation period ran from 6th December 2012 until 11th January 2013 to permit sufficient time for responses to be evaluated and for the implications to be analysed and a scheme determined by the Executive prior to implementation.
- 1.3 The consultation was undertaken through the following means:
 - A consultation questionnaire was available on line,
 - A printed consultation questionnaire was available for Social Fund customers visiting Harlesden and Willesden Job Centre Plus offices,
 - Publication of information on the Council's website,
 - The issue of an email informing addressees of the consultation and how to access it to representatives of the Voluntary Sector Service User Consultative forum,
 - The issue of an email / letter to other local organisations and local MP's informing them of the consultation and how to access it,
 - Meetings with Job Centre Plus personnel attended by officers.
- 1.4 Data comprised within this report for the Borough as a whole has been compiled from 2011 census data where available. However, the low response rate to the consultation means that the degree to which this is representative of the population as a whole should be given caution when making comparisons. Also, a number of respondents did not answer all of the questions or may have given more than one response to some questions that may have the effect of distorting some of the results.
- 1.5 In view of the comments outlined in section 1.4 above, Members should be aware of these potential shortcomings as they consider the weight they give to the outcomes of the consultation alongside other drivers for change, including the equalities impact assessment.

2.0 Purpose and scope of the consultation

- 2.1 The purpose of the consultation was to engage with residents and organisations within Brent concerning the Council's proposals for its Local Welfare Assistance Scheme.
- 2.2 The consultation commenced on 6th December 2012 and the proposals were published on the Council website at that time and available for access online from public libraries and customer service local offices within the Borough from the same date.
- 2.3 The consultation informed residents and other stakeholders of the intended changes and the Council's proposals.
- 2.4 Respondents were asked the following questions:
 - To rank in order of importance their preferences for each of the proposed changes,

- To state whether they agreed or disagreed that each of the proposed changes was fair
- To add any additional comments to support responses given to the ranking of importance and fairness questions or alternative options that the Council should consider
- To comment on whether the proposed changes are likely to affect particular individuals or groups more than others and if so, how these may be addressed
- To provide any other additional comments concerning the proposals

3.0 **Current use of Social Fund Service**

3.1 The DWP has provided some data concerning the use of its existing Social Fund service. However, this is not complete and as the service proposed for Brent Council will differ from this, it is not possible to fully determine the effects of the proposals on residents at this stage. The data that has been provided for the existing DWP scheme in Brent is shown in Table 1 below for reference.

Table 1

	Crisis Loan Items	Crisis Loan Living Expenses	Community Care Grants
Number of Awards	320	3420	960
Single / couple			
Lone Parent	12%	15%	27%
Not a Lone Parent	71%	68%	39%
Unknown	17%	17%	35%
Children			
Child aged up to and including 5	10%	11%	21%
Child aged 6 to 8	3%	2%	4%
Child aged 9 to 12	3%	2%	4%
Child aged 13 to 16	1%	1%	2%
No children	84%	84%	69%
Age			
Claimant aged under 18	0%	0%	0%
Claimant aged 18 to 24	24%	25%	12%
Claimant aged 25 to 34	29%	30%	24%
Claimant aged 35 to 44	22%	22%	21%
Claimant aged 45 to 54	19%	18%	21%
Claimant aged 55 to 64	5%	4%	11%
Claimant aged 65 to 69	1%	0%	3%
Claimant aged 70 to 79	0%	0%	6%
Claimant aged 80 to 89	0%	0%	1%
Claimant aged 90 and over	0%	0%	0%
Claimant age unknown	0%	0%	0%
Gender			
Couple	2%	3%	7%
Female	32%	33%	48%
Male	66%	64%	45%

- 3.2 The core methodologies applied for the consultation were intended to facilitate a qualitative and quantitative picture to be determined of current Social Fund customers as well as to obtain the views of residents and other stakeholders on the options for delivering the new Local Welfare Assistance service.
- 3.3 There are currently approximately 7,200 customers that access the existing Social Fund scheme via the Job Centre Plus offices.
- 3.4 A consultation is almost always partial as non-users of services and those perceived as least affected by the proposed change are less likely to get involved. However, given the above and the other caveats indicated within this report, the data gathered from the consultation, including the questionnaire responses may be used to assist and inform the development of the service offer.
- 3.5 Analysis of the specific answers received and comments submitted provides evidence of customer views and needs in relation to Local Welfare Assistance services.
- 3.6 The Local Welfare Assistance Scheme service offer will outline the ways in which those needs are to be met and advantages of these for both individuals and the wider community.

4.0 Methodology

- 4.1 A range of approaches were used to capture responses to the proposals for the Council's Local Welfare Assistance Scheme as set out below:
- All consultation documentation including the questionnaire was available on Brent Council's Consultation Tracker website - www.brent.gov.uk/consultation,
 - Meetings were held with Job Centre Plus representatives from Willesden and Harlesden where Social Fund payments are currently issued to claimants,
 - A pop up screen outlining the nature of the consultation and how to access the online consultation documentation was activated each time one of the Brent public library PC's was accessed by a customer. During the consultation period, there were 3,464 customer sessions where this message was displayed,
 - Letters outlining the consultation arrangements were sent by post / email to 42 organisations including Housing Associations with a property interest in the Borough, welfare organisations, the Police and Probation Service and interest groups to inform them of the nature of the consultation and how they may access the consultation documentation,

- Letters outlining the consultation arrangements were sent by email to 174 voluntary organisation representatives on 12th December 2012 informing them of the nature of the consultation and how they may access the consultation documentation,
- Letters outlining the consultation arrangements and how to access the consultation documentation were also sent to the three Brent MP's and Chamber of Commerce,
- Council officers engaged with 22 Social Fund customers collecting their Crisis Loan payments from Harlesden and Willesden Job Centre Plus offices over a four day period.

5.0 Consultation Responses – Analysis

- 5.1 The format of the questionnaire used for the consultation is shown in Appendix A1 of this report.
- 5.2 This was made available on the Council's Consultation Tracker throughout the consultation period and printed copies of the document were distributed to customers visiting the Job Centre Plus offices to obtain their Social Fund payment. Printed copies were also available upon request and were available from Brent Council libraries and Customer Services Local Offices.
- 5.3 There were 28 consultation questionnaire responses received, comprising 7 online responses (25%) and 21 paper responses (75%).
- 5.4 The consultation questionnaire response rate is low although recent experience from the Council Tax Support consultation carried out would appear to suggest that this is not unique to this consultation. Comments were also received from Job Centre Plus offices at Willesden and Harlesden.
- 5.5 Table 2 below shows the analysis of ethnic groups obtained from the consultation questionnaire responses compared to that of the Brent population based upon 2011 census data.

Table 2

Ethnicity from 2011 census data	% Census Composition	% Consultation Composition
White Total		
White: English/Welsh/Scottish/Northern Irish/British	17.96	30.43
White: Irish	3.96	4.35
White: Gypsy or Irish Traveller	0.10	0
White: Other White	14.25	0
Mixed Total		
Mixed/multiple ethnic group: White and Black Caribbean	1.38	8.7
Mixed/multiple ethnic group: White and Black African	0.91	4.35
Mixed/multiple ethnic group: White and Asian	1.17	0
Mixed/multiple ethnic group: Other Mixed	1.61	4.35
Asian Total (2011 definition)		
Asian/Asian British: British	Not Applicable	4.35
Asian/Asian British: Indian	18.64	0
Asian/Asian British: Pakistani	4.62	0
Asian/Asian British: Bangladeshi	0.56	0
Asian/Asian British: Chinese	1.04	0
Asian/Asian British: Other Asian	9.19	4.35
Black Total		
Black/African/Caribbean/Black British: Caribbean	7.62	0
Black/African/Caribbean/Black British: African	7.84	13.04

Ethnicity from 2011 census data	% Census Composition	% Consultation Composition
Black/African/Caribbean/Black British: Other Black	3.38	8.70
Black Somali	Not applicable	8.70
Other Total (2011 definition)		
Other ethnic group: Arab	3.67	0
Prefer not to say	Not Applicable	4.35
Other ethnic group: Any other ethnic group	2.09	4.35
Totals	100.00	100.00

Notes: There were 5 respondents that did not answer this question.

“Black:Somali” has been shown as a separate group for the purposes of the consultation responses although in the census this group is likely to have been incorporated within Black:African.

“Asian:British” has been shown as a separate group for the purposes of the consultation responses although in the census this group is likely to have been incorporated within one of the other “Asian” groups.

Table 2 shows how the proportions of each group as represented by the Borough population compare to that obtained from the consultation responses received. This appears to indicate that White: Irish have the closest representation based upon the consultation responses to the 2011 census data. Table 3 below shows the overall Brent population based upon the 2011 census data.

Table 3

	2011	% Composition
All categories: Ethnic group	311215	100.00
White Total	112880	
White: English/Welsh/Scottish/Northern Irish/British	55887	17.96
White: Irish	12320	3.96
White: Gypsy or Irish Traveller	320	0.10
White: Other White	44353	14.25
Mixed Total	15775	
Mixed/multiple ethnic group: White and Black Caribbean	4291	1.38
Mixed/multiple ethnic group: White and Black African	2820	0.91
Mixed/multiple ethnic group: White and Asian	3642	1.17
Mixed/multiple ethnic group: Other Mixed	5022	1.61
Asian Total (2011 definition)	105986	
Asian/Asian British: Indian	58017	18.64
Asian/Asian British: Pakistani	14381	4.62
Asian/Asian British: Bangladeshi	1749	0.56
Asian/Asian British: Chinese	3250	1.04
Asian/Asian British: Other Asian	28589	9.19
Black Total	58632	
Black/African/Caribbean/Black British: Caribbean	23723	7.62
Black/African/Caribbean/Black British: African	24391	7.84
Black/African/Caribbean/Black British: Other Black	10518	3.38
Other Total (2011 definition)	17942	
Other ethnic group: Arab	11430	3.67
Other ethnic group: Any other ethnic group	6512	2.09
TOTALS		100.00

Notes:

1. The "Chinese" sub-group was in the "Chinese or Other Ethnic Group" in 2001, and in 2011 is within the "Asian" group
2. Two new sub-groups have been added - "Gypsy or Irish Traveller" sub-group within "White"; and "Arab" within "Other Ethnic Group". It is assumed within the analysis that these would have been within the "White: Other" and "Chinese or Other Ethnic Group" respectively in the 2001 census data.

5.6 The following paragraphs set out the composition of respondents that completed the consultation questionnaire:

5.7 Status of Respondent

In relation to the status of the respondent, 26 were individuals, 2 were organisations and 0 did not declare a status.

- 5.8 **Are you resident in the Brent Council area?**
Of the 24 responses received, 19 (i.e. 79.17% of those that responded to the question) indicated that they were resident in the Brent Council area and 5 (i.e. 20.83% of those that responded to question) were not.

There were 4 respondents that did not give an answer to this question.
- 5.9 **Are you currently receiving a Social Fund Payment?**
Of the 24 respondents, 7 did not currently receive a Social Fund payment. (i.e. 29.17% of those responding to the question).

There were 4 respondents that did not give an answer to this question where one was expected.
- 5.10 **If not, have you ever received a Social Fund payment?**
Of the 7 respondents not currently receiving a Social Fund payment, 4 had previously received payments. (i.e. 57% of those responding to the question).

There were no respondents that did not give an answer to this question when one was expected.
- 5.11 **Are you currently receiving Housing Benefit or Council Tax Benefit in Brent?**

Of the 25 respondents, 10 were currently in receipt of Housing Benefit / Council Tax Benefit. (i.e. 40% of those responding to the question).

There were 3 respondents that did not give an answer to this question.
- 5.12 **Are you responding in your capacity as a representative of any of the following? (i.e. Voluntary Organisation, Housing Association, Landlord or Other)**

There were 2 respondents that were acting as a representative of a Voluntary Organisation, Housing Association, Landlord or Other.
- 5.13 The tables below set out the composition of respondents that completed the consultation questionnaire:

Table 4

Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Unemployed	17	70.83%
Employed	2	8.33%
Disabled	2	8.33%
Employed Part Time	2	8.33%
Student	1	4.17%
Total	24	100.00%

The overall response rate to this question was 85.71% of the total 28 respondents.

Table 5

Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Living as a Couple	0	0.00%
Married	1	14.29%
Civil Partnership	0	0.00%
Prefer not to say	6	85.71%
Total	7	100.00%

The overall response rate to this question was 25% of the total of 28 respondents. There were 21 respondents that didn't give an answer to this question representing 75% of the total 28 respondents.

- 5.14 An analysis of the age composition of the Borough in comparison to the consultation response is shown in Tables 6 and 7 below:

Table 6 – Borough Census

Census		
Age Range	Population Number	Population Percentage
0 – 4	22,400	7.20%
5 – 9	18,700	6.01%
10 – 14	18,000	5.78%
15 – 19	18,600	5.98%
20 – 24	24,200	7.78%
25 – 29	34,700	11.15%
30 – 34	30,200	9.70%
35 – 39	24,300	7.81%
40 – 44	21,700	6.97%
45 – 49	20,600	6.62%
50 – 54	18,500	5.94%
55 – 59	14,400	4.63%
60 – 64	12,300	3.95%
65 – 69	9,600	3.08%
70 – 74	8,400	2.70%
75 – 79	6,700	2.15%
80 – 84	4,400	1.41%
85 – 89	2,400	0.77%
90 and over	1,100	0.35%
Totals	311,200	100.00%

Table 7

Status of Respondent	Total Number of Consultation Responses	Responses as Proportion of Total (%)
Under 18	1	4 %
18 to 24	7	28%
25 to 34	5	20%
35 to 44	9	36%
45 to 54	3	12%
55 to 60	0	0.00%
61+	0	0.00%
Prefer not to say	0	0.00%
Totals	25	100.00%

The overall response rate to this question was 89.29% of the total of 28 respondents.

- 5.15 It is not possible to draw any specific conclusions from the above age data as the response from the consultation was small and not representative of the population of Brent as a whole.
- 5.16 It is also important to note that as the Local Welfare Assistance Scheme will generally only be available to applicants aged at least 16 and predominantly from the age of 18, the age analysis of the Borough that includes all age categories will not be applicable for any of the population aged less than 16.
- 5.17 It is not possible to draw any specific conclusions from the above age data obtained from the consultation as not all of the respondents answered this question and the overall response rate was low. It is also the case that most of the respondents were of working age having been interviewed at the Job Centre Plus offices when collecting their Social Fund payment.
- 5.18 It is also likely that as persons of pensionable age and those not available for work are less likely to visit Job Centre Plus offices, they will be less likely to be aware of the Social Fund and hence less likely to respond to the consultation proposals. This appears to be reflected by the age composition of the existing DWP caseload for the Social Fund shown in Table 1 of this appendix.

5.19 Gender Status

Table 8 below shows the gender status of residents in the Borough based upon the 2011 census data.

Table 8

Gender	Borough Average from 2011 Census
Male	50.29%
Female	49.71%

The profile of gender based upon the consultation responses is shown in Table 9 below.

Table 9 - Consultation Responses

Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Male	12	48%
Female	13	52%
Prefer not to say	0	0.00%
Total	25	100.00%

The overall response rate to this question was 89.29% of the total respondents.

5.20 It is not possible to draw any specific conclusions from the above results of the consultation as the overall response was small. However, the overall proportions from the responses that were obtained was broadly comparable to the Brent population as a whole.

5.21 **Is your gender identity the same as the gender you were assigned at birth?**

Table 10

Gender reassignment		
Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Same gender as at birth 'Yes'	22	95.65%
Same gender as at birth 'No'	1	4.35%
Prefer not to say	0	0.00%
Total	23	100.00%

The overall response rate to this question was 82.14% of the total 28 respondents. There were 5 respondents that did not give an answer to this question representing 17.86% of the total 21 respondents.

It is not possible to compare the data from the consultation responses with the Borough average as this information was not previously collated from the 2001 census and is not available in relation to the 2011 census.

5.22 Do you have Parenting Responsibilities?

Table 11

Parenting responsibilities		
Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Yes	10	45.45%
No	11	50%
Prefer not to say	1	4.55%
Total	22	100.00%

The overall response rate to this question was 78.57% of the total 28 respondents. There were 6 residents that did not give an answer to this question representing 21.43% of the total 28 respondents. It is not possible to compare this with the proposed scheme as the data for this does not currently exist.

5.23 What is your Sexual Orientation?

Table 12

Sexual Orientation		
Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Heterosexual	20	90.91%
Gay Woman / Lesbian	0	0.00%
Bisexual	0	0.00%
Gay Man	0	0.00%
Other	0	0.00%
Prefer not to say	2	9.09%
Total	22	100.00%

The overall response rate to this question was 78.57% of the total 28 respondents. There were 6 residents that did not give an answer to this question representing 21.43% of the total 28 respondents.

It is not possible to compare the data from the consultation responses with the Borough average as this information was not previously collated from the 2001 census and is not available in relation to the 2011 census.

5.24 What is your religion?

Tables 13 and 14 below set out the religion of residents in the Borough based upon the 2011 census data and consultation responses respectively.

Table 13

Religion	2011	Percentage
All People	311215	100.00
Christian	129080	41.48
Buddhist	4300	1.38
Hindu	55449	17.82
Jewish	4357	1.40
Muslim	58036	18.65
Sikh	1709	0.55
Any other religion	3768	1.21
No religion	33054	10.62
Religion not stated	21462	6.90

Table 14

Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Baha'i	0	0
Buddhist	0	0
Christian	5	25%
Hindu	1	5%
Jainism	0	0
Jewish	0	0
Muslim	4	20%

Status of Respondent	Total Number of Responses	Responses as Proportion of Total (%)
Sikh	0	0
Taoism	0	0
Agnostic	1	5%
Humanist	0	0
No Religious belief	5	25%
Other	3	15%
Prefer not to say	1	5%
Totals	20	100%

The overall response rate to this question was 71.43% of the total 28 respondents. There were 8 residents that did not give an answer to this question representing 28.57% of the total 28 respondents.

It is not possible to draw any specific conclusions regarding respondents' religion from the consultation response as not all respondents answered this question. However, from the responses received, there appears to be an over representation in comparison with census data from respondents who are either agnostic or have no religious belief. There also appears to be an under representation of Hindu and Christian respondents.

5.25 Responses to Consultation Questions concerning Scheme Design

Question 1: Please indicate how important each of the six key principles are to you with 1 being the most important and 6 the least important.

Respondents were asked to indicate how important each of the Council's six key principles was to them with 1 being the most important and 6 the least important.

Note: The lower the average ranking means the higher the average preference as shown in the overall order of priority below. The "Ranking Average" in brackets below shows the average ranking of importance for each of the 6 key principles concerned based upon responses received and indicates based upon the proportions of responses that principles 1 and 3 were most important to respondents. Principle 5 was the least important to respondents.

Key Principle	Overall Priority
Principle 1: Crisis Payments should be directed to those most in need	First (1.90)
Principle 2: Crisis Payments should not exceed their budget	Third (3.52)
Principle 3: Community Payments should be directed to those most in need	Second (2.71)
Principle 4: Community Payments should not exceed their budget	Fourth (3.76)
Principle 5: Wherever reasonably practicable, an award under the proposed scheme should be made other than by cash	Sixth (4.71)
Principle 6: There should be a provision for repayment of any awards made where fraudulent or applicant error occurs	Fifth (3.95)

The overall response rate to this question was 75% of the total 28 responses. There were 7 residents that didn't answer this question representing 25% of the total respondents.

5.26 Question 2: To what extent do you agree or disagree that the following proposals are fair?

Principle 1 – Crisis Payments should be directed to those most in need

85.71 agreed that principle 1 was fair, 0% neither agreed nor disagreed and 14.29% considered the principle to be unfair. Each of the 28 respondents to

this question answered this part. The results for this principle indicate that this principle was perceived as fair by the majority of the respondents.

Principle 2 – Crisis Payments should not exceed their budget

78.57% agreed that the principle was fair, 3.57% neither agreed nor disagreed and 17.86% considered the principle to be unfair. Each of the 28 respondents to this question answered this part. The results for this principle indicate that this principle was perceived as fair by the majority of the respondents.

Principle 3 – Community Payments should be directed to those most in need

85.71% agreed that the principle was fair, 3.57% neither agreed nor disagreed and 10.71% considered the principle to be unfair. Each of the 28 respondents to this question answered this part. The results for this principle indicate that this principle was perceived as fair by the majority of the respondents.

Principle 4 – Community Payments should not exceed their budget

67.86% agreed that the principle was fair, 10.71% neither agreed nor disagreed and 17.86% considered the principle to be unfair. There was 1 respondent that answered the question for all other principles but did not answer this part of the question. The results for this principle indicate that this principle was perceived as fair by the majority of the respondents.

Principle 5 – Wherever reasonably practicable, an award under the proposed scheme should be made other than by cash

28.57% agreed that the principle was fair, 14.29% neither agreed nor disagreed and 57.14% considered the principle to be unfair. Each of the 28 respondents to this question answered this part. The results for this principle suggest that the majority of the respondents considered this principle to be unfair.

Principle 6 – There should be a provision for repayment of any awards made where fraudulent or applicant error occurs

82.14% agreed that the principle was fair, 14.29% neither agreed nor disagreed and 3.57% considered the principle to be unfair. Each of the 28 respondents to this question answered this part. The results for this principle suggest that this principle was perceived as fair by the majority of the respondents.

- 5.27 In summary, it can therefore be seen from the views expressed in the consultation that there was a general perception from the majority of respondents that the principles were fair except in terms of the provision of payments other than by cash.

5.28 In relation to principle 5 concerning the provision of payment by cash, it is important to note that each of the respondents concerned were existing Social Fund applicants who currently collect their payments in the form of a cheque at the Job Centre Plus offices. It is proposed within the Brent Local Welfare Assistance Scheme that there will, in certain and limited circumstances, be a provision for pre-paid cards to be converted to cash at an automatic teller machine (ATM) such as in circumstances where a card cannot be used for payment. This may occur for example in the case of prepaid meters for electricity. It is not therefore proposed that this provision be incorporated within the scheme.

6.0 Additional Comments

A narrative field for comments was included in questions asked within the questionnaire, and a range of responses were given for the questions concerned. It should be noted that whilst officers have tried to make this representative, inevitably there is the possibility of duplication and in some instances, comments that were not appropriate to the consultation. It should also be noted that some respondents provided multiple answers to questions with others giving no responses and in some instances it was unclear as to the nature of the point or comment being made by the respondent. Each of the comments submitted by respondents has been included within this report together with a commentary.

7.0 Service User Consultative Forums

7.1 Representatives of the Voluntary Sector Service User Consultative Forums were notified of the consultation and how to access the documentation by email. The forum for the voluntary sector focuses on specific groups in that sector of the community.

8.0 Meetings with groups and individuals

8.1 Meetings were arranged and held with Willesden and Harlesden Job Centre Plus representatives. Meetings were also offered to a number of other welfare and voluntary organisations although these were not taken up.

8.2 Meetings were also held with Social Fund claimants collecting their payments from Job Centre Plus offices.

8.3 Comments received and responses obtained from the consultation have been included within this report as Appendix A2 together with any appropriate commentary.

9.0 Summary of findings

9.1 Details about the consultation on the Local Welfare Assistance Scheme proposals reached a significant number of stakeholders and residents via a range of consultation formats as set out earlier in this report.

9.2 The overall response to the consultation was low despite the efforts made to ensure that residents and stakeholders were aware of the proposals and had an opportunity to comment.

9.3 However, it can be seen from the views expressed in the consultation that there was a majority support from the responses that were received in relation to the fairness of the key principles with the exception of principle 5 concerning entitlement payments being made other than by cash. This outcome appears to contrast with respondents ranking of importance for the same principle 5 in question 1 which was perceived to be of low importance from the consultation responses and possibly stems from a misunderstanding of the question concerning the ranking of the most important principles.

- 9.4 There also appears to be a clear distinction that principle 5 (payments to be made other than by cash) is not perceived as fair by existing Social Fund or previous Social Fund applicants. As the respondents concerned are, or have been used to receiving a cheque for their payment, the use of a pre-paid card may not be perceived as a suitable replacement.
- 9.5 From the above consultation response results, it would appear that there is support from the majority of the respondents concerning the proposed scheme principles excepting making payments other than by cash. In this case, the response concerned appears to be particularly influenced by the fact that the respondents are both existing and former Social Fund applicants. However, as the overall response rate is low and the composition is not representative of the overall population of the Borough, due regard should be given to this fact accordingly.
- 9.6 The consultation report is a significant part of the information underpinning the proposals, but it does not stand alone. In particular, in formulating the recommendations, officers have had regard to:
- The resources available to the Council and the timescale within which the proposals will need to be implemented as well as the funds available,
 - The Equalities Impact Assessment which explicitly addresses any issues raised in this consultation,
 - The technical constraints that may exist in relation to the proposed technology for administration of the scheme.

Appendix A1 - Brent Community Assistance Payment - Consultation Questionnaire

Introduction

On 31st March 2013, the discretionary aspects of the Social Fund currently administered by the Department for Work and Pensions incorporating Crisis Loans and Community Care Grants will be abolished and responsibility for administering a localised scheme has been passed to Local Authorities from 1st April 2013. This document outlines the existing scheme and Brent Council's proposals for a Community Assistance Payment and seeks to gain the views of Brent's residents and stakeholders regarding key proposals of the new scheme. The council is consulting with residents from **6 December 2012 to 11 January 2013** to find out their views. The current definition of these is set out below:

A **Community Care Grant** is a non-repayable payment awarded for the purpose of meeting a need for community care. Grants may be awarded to people who are leaving accommodation in which they received care, to help people to continue to live in the community, or to help people on a resettlement programme to set up home. Grants can also be awarded to help ease exceptional pressures on families, to care for a prisoner or young offender on release on temporary licence, or to help with certain travel costs. They are available to people getting Income Support, income-based Jobseeker's Allowance, Employment and Support Allowance (income-related), Pension Credit or payment on account of one of them. They are also available to people who are leaving care within 6 weeks and who are likely to get one of those benefits or entitlements on leaving.

A **Crisis Loan** is currently available to anyone aged 16 or over, whether or not they get any benefit, who needs help to meet expenses in an emergency or because of a disaster. A loan must be the only way of preventing serious damage or risk to the health or safety of the person or to their family. Crisis loans are interest free but have to be repaid.

Who will be affected?

Any person that either has or may have a need to claim a Crisis Payment or Community Care Grant within the Borough will potentially be affected so it's important to have your say. Additionally, organisations and groups that provide support and assistance to persons with their applications for assistance may also be affected by the proposals.

As the scheme concerns Brent's proposed local approach to the provision of financial support, we are keen to receive views from all residents and stakeholders. The information you provide will be treated confidentially and used solely by Brent Council.

Brent Community Assistance Payment Proposals

It is proposed that Brent Council should offer financial support to the most financially vulnerable residents during times of crisis or to maintain their independence in the community and to encourage greater financial capability and resilience. Through the provision of a new scheme, it is anticipated that potential difficulties for vulnerable customers that would otherwise occur may be mitigated and that dependency for emergency and other expensive forms of support and credit such as loan sharks may be reduced.

In general terms, the proposed new scheme set out in this document seeks to replace the elements of the Discretionary Social Fund that will be abolished by the Department for Work and Pensions (DWP) from 1st April 2013 onwards. Wherever reasonably practicable, it is intended to retain existing features of the national Social Fund scheme. However, it will be necessary to make some amendments to these where operationally required.

During 2011/12, £267,500 was spent on Crisis Loans and £716,900 spent on Community Care Grants by the DWP for the Brent Council area totalling £984,400. For 2013/14, Brent Council will receive £855,509, representing a reduction of £128,891 (i.e. approximately 13%). This funding gap will increase further if the number of people claiming payments increases, or if the Council chooses to spend part of the funding allocation on other priorities.

This reduction in funding means we will have to make some difficult decisions about who gets financial support and how much.

Brent is proposing a new scheme that is as fair as possible and in line with the needs of the community.

The Council will make decisions in February 2013 regarding what sort of local scheme it wants to offer, and, how much funding to allocate to it. If agreed, the new scheme will start from 1 April 2013.

Our draft proposals are based on a set of key principles which represent a number of variations to the existing Department for Work and Pensions administered scheme. The central function of the scheme offering both Crisis Payments for short-term expenses following an emergency or disaster, and Community Payments for larger, one-off payments to assist people to establish themselves or remain in the community is proposed to be retained.

The principles of the proposed scheme are listed below. We recommend that you also read **Appendix A** at the end of this consultation questionnaire **first** to ensure you understand the proposals and to help you to fill it in.

The existing Social Fund scheme can be viewed by visiting the DWP website: <http://www.dwp.gov.uk/docs/social-fund-guide.pdf>.

The principles:

Principle 1: Crisis Payments should be directed to those most in need

The proposed criteria for qualifying for a Crisis Payment are intended to direct support to applicants in receipt of means tested benefits such as Income Support, Job Seekers Allowance (Income Based), Employment Support Allowance (Income Related) and Universal Credit. Child Tax Credit and Working Tax Credit are also included within this definition. The existing national scheme does not require Crisis Payment applicants to be in receipt of such benefits.

The proposed qualifying criteria for crisis payments are set out in Appendix A of this consultation questionnaire.

Principle 2: Crisis Payments should not exceed their budget

Crisis Loans under the existing scheme are generally limited to three in a year. The proposal is to limit applications for Crisis Payments to only two in any rolling 12 month period with the second payment contingent upon the satisfaction of any reasonable conditions specified by the Council when the first payment was made.

Crisis Payments for living expenses shall be limited to 7 days rather than the 14 days (or more in certain instances) generally applied under the existing Department for Work and Pensions administered national scheme.

The maximum amount of any Crisis Payment for day to day living expenses shall be capped at 60% of the Council Tax Support (CTS) personal allowance for the relevant financial year in relation to the period concerned for the applicant and any partner if applicable and 100% of the CTS personal allowance applicable for any dependent children.

Where it appears that the budget for crisis payments may be exceeded, either a lower payment or no payment may be authorised.

Principle 3: Community Payments should be directed to those most in need

The existing DWP scheme requires Community Care Grant applicants to be in receipt of a qualifying benefit such as Income Support. The Brent proposal is to retain this principle but also include Universal Credit as one of the qualifying benefits and to provide a Community Payment scheme.

In the existing DWP scheme, all capital above £500 (£1000 in the case of applicants of pensionable age) shall be taken into account to offset against the claim application. This includes the capital of any partner in the case of a couple (i.e. married, living together as husband and wife, a civil partnership or living together as a civil partnership). Brent Council proposes to take into account all capital above £400 for non pensioners and £800 for pensioners.

The proposed qualifying criteria for community payments are set out in Appendix A of this consultation questionnaire.

Principle 4: Community Payments should not exceed their budget

An applicant must not have had more than two awards of a Community Payment in any rolling twelve month period excepting in exceptional circumstances. (e.g. moving home)

Where it appears that the budget for crisis payments and community payments may be exceeded, either a lower payment or no payment may be authorised.

Principle 5: Wherever reasonably practicable, an award under the proposed scheme should be made other than by cash

The proposal is to make payments under the new arrangements other than by cash wherever reasonably practicable. This may include for example food vouchers or a payment card for use at a specified venue. This will help to ensure that any payment awards made are used for the purpose intended.

Principle 6: There should be a provision for repayment of any awards made where fraud or applicant error occurs

As payments made under the proposed scheme are intended to provide support to those in genuine need, any fraud or applicant error that arises may prevent someone else receiving assistance to which they are entitled. It is therefore proposed that where fraud or applicant error occurs, repayment will be sought from the applicant.

Section A – Key Principles

1. With reference to the six key principles listed above, please indicate how important these are to you? *(Please rank each area according to importance: 1 being most important and 6 being least important) Please use each ranking only once.*

Principle 1: *Crisis Payments should be directed to those most in need* []

Principle 2: *Crisis Payments should not exceed their budget* []

Principle 3: *Community Payments should be directed to those most in need* []

Principle 4: *Community Payments should not exceed their budget* []

Principle 5: *Awards should principally be made other than by cash* []

Principle 6: *Repayment of awards shall be made where fraud or error occurs* []

2. To what extent do you agree or disagree that the following proposals are fair?

<u>Proposed changes</u>	<u>Agree Strongly</u>	<u>Agree</u>	<u>Neither agree nor disagree</u>	<u>Disagree</u>	<u>Strongly Disagree</u>
Principle 1: <i>Crisis Payments should be directed to those most in need</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle 2: <i>Crisis Payments should not exceed their budget</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle 3: <i>Community Payments should be directed to those most in need</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle 4: <i>Community Care Grant Payments should not exceed their budget</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle 5: <i>Awards should principally be made other than by cash</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle 6: <i>Repayment of awards shall be made where fraud or error occurs</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Please add any additional comments to support your responses to questions 1 and 2 on our proposed changes or any alternative options you would like us to consider and your reasons.

4. Please comment if you feel that our proposed changes will affect particular individuals or groups more than others and if so, how you think we may address these.

5. Please provide any other additional comments you wish to make concerning the proposals.

Section B – about you (optional)

(If you are responding on behalf of an organisation please go to Section C)

Name:

Address:

Email:

Telephone number(s)

1. Are you a resident in the Brent Council area? Yes ☐ No ☐
2. Are you currently receiving a payment from the Social Fund? Yes ☐ No ☐
3. If you are not receiving a Social Fund payment, have you ever received one? Yes ☐ No ☐
4. Are you currently receiving housing benefit or council tax benefit in Brent? Yes ☐ No ☐
5. Are you: (please tick one box)
- | | | | |
|-------------|--------------------------|--------------------|--------------------------|
| A pensioner | <input type="checkbox"/> | Employed Part Time | <input type="checkbox"/> |
| A student | <input type="checkbox"/> | Unemployed | <input type="checkbox"/> |
| Employed | <input type="checkbox"/> | Disabled | <input type="checkbox"/> |
6. If you are in a relationship, please tick one of the following:
- | | | | |
|--------------------|--------------------------|-------------------|--------------------------|
| Living as a couple | <input type="checkbox"/> | Civil Partnership | <input type="checkbox"/> |
| Married | <input type="checkbox"/> | Prefer not to say | <input type="checkbox"/> |
7. What is your age group?
- | | | | |
|----------|--------------------------|-------------------|--------------------------|
| Under 18 | <input type="checkbox"/> | 45 – 54 | <input type="checkbox"/> |
| 18 – 24 | <input type="checkbox"/> | 55 – 60 | <input type="checkbox"/> |
| 25 – 34 | <input type="checkbox"/> | 61+ | <input type="checkbox"/> |
| 35 – 44 | <input type="checkbox"/> | Prefer not to say | <input type="checkbox"/> |
8. Please indicate your gender. Male ☐ Female ☐ Prefer not to say ☐
9. Is your gender identity the same as the gender you were assigned at birth? Yes ☐ No ☐ Prefer not to say ☐

10. Do you have parenting responsibilities? Yes ☐ No ☐ Prefer not to say ☐

11. What is your sexual orientation? (please tick one box)

Heterosexual / Straight	<input type="checkbox"/>	Gay Woman / Lesbian	<input type="checkbox"/>
Bisexual	<input type="checkbox"/>	Other	<input type="checkbox"/>
Gay Man	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

12. Which one of these groups do you belong to? (please tick one box)

Asian or Asian British:

Asian: Bangladeshi	<input type="checkbox"/>
Asian: British	<input type="checkbox"/>
Asian: Indian	<input type="checkbox"/>
Asian: Chinese	<input type="checkbox"/>
Asian: Other	<input type="checkbox"/>
Asian: Pakistani	<input type="checkbox"/>

Black or Black British:

Black: African	<input type="checkbox"/>
Black: British	<input type="checkbox"/>
Black: Caribbean	<input type="checkbox"/>
Black: Other	<input type="checkbox"/>
Black: Somali	<input type="checkbox"/>

Mixed:

Mixed: White and Black African	<input type="checkbox"/>
Mixed: Other	<input type="checkbox"/>
Mixed: White and Black Caribbean	<input type="checkbox"/>
Mixed: White and Asian	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

White:

White: British	<input type="checkbox"/>
White: Irish	<input type="checkbox"/>
White: Other	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>

13. What is your religion? (please tick one box)

Baha'i	<input type="checkbox"/>	Islam	<input type="checkbox"/>
Buddhism	<input type="checkbox"/>	Sikhism	<input type="checkbox"/>
Christianity	<input type="checkbox"/>	Taoism	<input type="checkbox"/>
Hinduism	<input type="checkbox"/>	Agnostic	<input type="checkbox"/>
Jainism	<input type="checkbox"/>	Humanist	<input type="checkbox"/>
Judaism	<input type="checkbox"/>	No Religion belief	<input type="checkbox"/>
Other	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

14. Please add any additional comments if you feel the proposed CTS changes will affect you more because of your membership of any of the above groups.

Section C – about your organisation (optional):

1. Are you responding to this consultation in your capacity as a representative of any of the following?

Voluntary Organisation

Yes ☐ No ☐

Housing Association

Yes ☐ No ☐

Landlord

Yes ☐ No ☐

Other

Yes ☐ No ☐

Please tell us your details

Name:

Address:

Email:

Telephone number/s

Questionnaires must be completed by no later than 11 January 2013.

Thank you for taking part in this consultation questionnaire.

What happens next?

The information from this consultation will be used by the council to assist in making its decision on the new scheme. The results from the consultation will be published on our website. The final decision on the scheme will be made by the Executive in February 2013.

Appendix A – General information

Crisis Payments

Crisis Payments are intended to cover immediate short-term needs which will prevent serious risk to the health or safety of a person or their family. They can also help with certain expenses in other emergency or disaster situations. For example, a serious flood, causing substantial damage, loss or destruction to possessions or your property, replacement of urgently needed furniture, cookers, beds, household equipment, heaters, food and utilities and clothing and footwear.

Crisis Payments can also be paid for deposits / rent in advance if someone is being resettled (and would be eligible for a Community Payment).

The proposed Brent scheme may not necessarily be appropriate in all of the above situations. The Council will consider the individual circumstances of each application on its merits within the provisions of the scheme.

Assuming that an emergency or crisis need has arisen that causes a serious threat to the health and safety of an applicant or an applicant's family then the following eligibility criteria are proposed:

- *A claimant must be aged 16 or over
and*
- *must have their sole or main residence in Brent (or be intending to have their sole or main residence in Brent in the case of circumstances such as moving to the area as a result of domestic violence or discharge from prison for example)
and*
- *must be in receipt of a qualifying benefit (or about to be in receipt of a qualifying benefit (This relates to Income Support, JSA(IB), ESA(IR), Pension Credit, Universal Credit, Working Tax Credit and Child Tax Credit or a payment made on account of one of them, (Note: The wording "about to be in receipt of a qualifying benefit" shall be defined to provide for cases such as where a person is homeless or fleeing domestic violence for example and has not yet claimed or received a qualifying benefit). This provision shall not generally apply in the case of a "disaster situation" in order to align with the "immigration control" requirement.
and*
- *must not be an excluded person as indicated within the notes below
and*
- *must not have access to any funds (including insurance) that can be relied on to meet the need they are applying for support with and where they would be left with insufficient resources which would cause serious risk to their own, or their family's health or safety
and*
- *they must not have already had two awards for a Crisis Payment in any rolling 12 month period excepting in the case of a move of home
and*

- *In the case of a second payment application, must be able to demonstrate compliance of any reasonable conditions specified by the Council when the first payment was made*
and
- *must not be a person subject to immigration control*
and
- *must not be eligible (or in receipt of as the case may be) for an Advance of Benefit payment from DWP*
and
- *must not have been found guilty in a UK court of law for making a fraudulent application for a Brent Community Assistance Payment or Council Tax Support / Housing Benefit / Council Tax Benefit within the past twelve months (or accepted an administrative penalty as an alternative to prosecution)*
and
- *must not be seeking support to pay for an excluded item*
and
- *must be willing to comply with any reasonable conditions concerning the payment award including for example, support from advice agencies (or similar) to address any financial capability issues or on-going difficulties*

Applications will be assessed by the council and a decision made. It is important to note that any support provided through the scheme is intended to help people over a period of crisis or emergency but may not necessarily solve the crisis altogether. We will determine how much money an applicant needs to get through the crisis, which may not mean replacing all the losses, repairing all the damage or meeting all the needs that are present.

Important Notes

The following key points should be noted:

1. The definition of an excluded person is proposed to be extended to include an applicant that lives at home with their friends or family excepting where they have a commercial rent liability and / or Council Tax liability for the premises concerned. This provision will also not apply to an applicant that lives at home with their friends or family but who is at genuine risk of homelessness or where other similar / statutory considerations may apply.
2. A Crisis Payment towards emergency travel expenses where the applicant is stranded away from home shall not be payable where the travel is in consequence of a business trip, holiday, vacation or other similar type of absence from their sole or main residence in Brent.
3. The maximum amount of any crisis payment for day to day living expenses where the applicant and / or their partner is liable for rent, accommodation charges in a hostel or board and lodging, Council Tax (or would be liable if the dwelling were not exempt), shall be capped at 60% of the Council Tax Support (CTS) personal

allowance for the relevant financial year (i.e. 1st April to 31st March) in relation to the period concerned for the applicant and any partner if applicable and 100% of the CTS personal allowance applicable for any dependent children.

4. Where the applicant resides in the home of a relative, friend or other person, the maximum amount shall be capped at 30% of the CTS personal allowance for the relevant financial year in relation to the period concerned. (Reference should be made to the fact that currently, applicants that have not attended a work focused interview or are disallowed or sanctioned jobseekers, have their maximum amount calculated using the single personal allowance rate for the applicant rather than any couple rate).

Community Payments

Under the proposed scheme, Community Payment packages or non-repayable grants will be awarded to people who qualify who:

- need help to establish themselves in the community after a period of institutional or residential care
- need help to remain in the community rather than enter institutional or residential care
- need help to set up home as part of a planned resettlement process
- need help to ease exceptional pressures on a person or family
- need help to care for a prisoner or young offender on temporary release
- need help with travel expenses in some situations (e.g. funeral, illness of a family member).

Generally the need for assistance in these areas is less urgent than in situations that give rise to applications for Crisis Grants but the need may be no less important.

Awards may be made to cover the cost of furniture and white goods, connection and removal costs, minor repairs in some types of accommodation, travel costs and clothing and footwear (not school uniforms). Though these are just examples and the propose scheme may not necessarily be appropriate in the above situations. Similarly, if a situation is not mentioned, it does not mean that help would not be given as the Council will review the individual circumstances of each case.

Assuming that one of the qualifying conditions is met then the following additional eligibility criteria will apply:

- *The claimant must be aged 16 or over*
and
- *must have their sole or main residence in Brent(or be intending to have their sole or main residence in Brent in the case of circumstances such as moving to the area after leaving prison for example)*
and
- *must be in receipt of a qualifying benefit (or about to be in receipt of a qualifying benefit)*
and

- *must not have capital in excess of £400 for persons not of pensionable age and £800 in the case of persons of pensionable age. (Any amount above these levels will be netted off against any award entitlement)*
and
- *must not be a person subject to immigration control*
and
- *must not be eligible (or in receipt of as the case may be) for an Advance of Benefit payment, Budgeting Loan or Budgeting Advance from DWP that could meet the need*
and
- *must not have been found guilty in a UK court of law for making a fraudulent application for a Brent Community Assistance Payment or Council Tax Support / Housing Benefit / Council Tax Benefit within the past twelve months or accepted an administrative penalty as an alternative to prosecution*
and
- *must not be seeking support to pay for an excluded item*
and
- *must be willing to comply with any reasonable conditions concerning the payment award including for example, support from advice agencies (or similar)*
and
- *must not have had more than two awards of a Community Care Grant in any rolling twelve month period excepting in exceptional circumstances. (e.g. moving home)*

Important Notes

The following key points are of relevance to the proposed Scheme:

1. The existing DWP scheme requires Community Care Grant applicants to be in receipt of a qualifying benefit. The proposal is to include Universal Credit as one of the qualifying benefits.
2. In the existing DWP scheme, all capital above £500 (£1000 in the case of applicants of pensionable age) shall be taken into account to offset against the claim application. This shall include the capital of any partner in the case of a couple (i.e. married, living together as husband and wife, a civil partnership or living together as a civil partnership). The proposal is to reduce these limits to £400 and £800 respectively.

Brent Council is undertaking this consultation between the period 6 December 2012 and 11 January 2013. This timescale has been determined having regard to the timescale needed to determine a local scheme to commence from 1st April 2013 and to permit sufficient time to evaluate responses received.

Brent Council wants to ensure that everyone who is a resident in the borough (including organisations and voluntary groups) has an opportunity to have their say about the council's proposed future replacement for the discretionary aspects of the existing Social Fund Scheme.

Definition of an excluded person

This section details groups of people excluded from a Crisis Payment:

- Care home residents and hospital in-patients unless it is planned that they will be discharged within the following 2 weeks:
- Persons who are members of and fully maintained by a religious order:
- Persons receiving education and thus not entitled to Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance Prisoners who are in prison or released on temporary licence:
- Release on temporary licence
- Released from prison on permanent licence
- On bail pending a court hearing. Also a Community Payment (CP) can be considered for a person receiving Income Support (IS), income-based Jobseekers Allowance (JSA(IB)), Pension Credit (PC) or income-related Employment and Support Allowance (ESA(IR)) or payment on account of such benefits who needs help with the extra expense of caring for a prisoner or young offender on release on temporary licence

Definition of excluded items

Brent Council proposes to mirror the existing list of the DWP excluded items as follows:

- Work items
- School uniforms
- Court costs
- Repairs to social housing properties
- Council tax/water/fuel
- Medical items
- Most housing costs
- Debts
- Anything the council has a duty to provide, daily living expenses, telephony costs.

Questionnaires can be accessed online at the council locations listed below during normal opening hours.

Brent Town Hall
Forty Lane
Wembley
Middlesex
HA9 9HU

Harlesden Library Plus
Craven Park Road
Harlesden
London
NW10 8SE

Willesden Green Centre
95 High Road
Willesden
London
NW10 2SF

Kingsbury Library Plus
522 - 524 Kingsbury Road
Kingsbury
NW9 9HE

Ealing Road Library
Coronet Parade, Ealing Road
Wembley
Middlesex
HA0 4BA

Housing Services
Mahatma Gandhi House
34 Wembley Hill Road
Wembley
Middlesex, HA9 8AD

Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Children and Families Information Service
(CFIS), Children and Families
Department, Chesterfield House
9 Park Lane, Wembley
Middlesex, HA9 7RH

Appendix A2

Consultation Comments and Responses from Consultation Questionnaires

Question 3 - Please add any additional comments to support your responses to questions 1 and 2 on our proposed changes or any alternative options you would like us to consider and your reasons.

Respondent Comment - Not applicable (7)

There were 7 respondents that responded to this question as not applicable and for which no further comment has therefore been made.

Respondent comment – Limit access to workers (2)

People claiming JSA should not be a priority when it comes to loans. People take JSA for granted.

People who do not want to work should be rejected for everything. Hard working people only.

Council Commentary

The proposal is to provide grants rather than loans for the Local Welfare Assistance Scheme for those customers in receipt of specified means tested benefits such as Job Seekers Allowance (JSA). The respondent appears to assume that all JSA recipients should potentially be disqualified from access to the scheme although some of these may experience a greater financial crisis than other potential claimants. Additionally, disqualification of access to the scheme to all JSA recipients would have the effect of impacting upon customers genuinely seeking work. It would also be administratively difficult to determine those claimants that genuinely want to work and those that do not. For these reasons, this proposal has not been progressed.

Respondent Comment – Non cash payments (5)

I think that having vouchers instead of cash would be a good idea.

Vouchers would be good idea to help stop drug users.

Can't use vouchers for transport. It's better to have cash as it's more flexible.

Vouchers are not always best Depends on circumstances. Some stores do not accept vouchers.

Need money no food stamps.

Council Commentary

The proposal to provide payment in other than cash through the use of pre-paid cards wherever reasonably practicable. This arrangement will be sufficiently flexible to permit a customer to convert them to cash at an ATM for certain types of payment (e.g. electricity meter, some travel expenses). Pre-paid cards also have the advantage that they can be restricted to ensure that they are not used for unauthorised purposes such as gambling, alcohol, etc.

Respondent Comment – Durability of goods (1)

Some products are not strong enough, they are damaged or broken.

Council Commentary

As it is currently proposed that claimants will be responsible for obtaining any goods for which they are entitled to a Local Welfare Assistance payment, they will need to ensure that the goods purchased meet their requirements within the funding given.

Respondent Comment – Families at risk (1)

Families are most at risk because children are involved. The most important thing is that children and teenagers don't feel under privileged compared to their friends who are working people.

Council Commentary

The proposed scheme is intended to ensure that limited funds are available to those in genuine need. This includes families that meet the qualifying conditions proposed for the scheme.

Respondent Comment - Agree with principles – (2)

I strongly agree with all

I feel that crisis payment should only be given to people that have not been paid or have no money. I do feel that two payments (per year) is fair.

Council Commentary

As both the above responses appear to support the Council's proposals, no further comment is made.

Respondent Comment – Fairer to help people who are in need (1)

I do really think nr is the most important principle as it is much fairer to help people who are in need to survive.

Council Commentary

It is not possible to respond in detail to this comment as it is unclear as to what it relates to.

Respondent Comment

The budgets most benefit claimants have to work with are already on the level of subsistence, so to limit what are emergency payments to what is perceived as their ""budgetary repayment"" levels will often not solve the emergency situation for vulnerable people. It leads to debt in another area of their lives.

Council Commentary

The Council will have a cash limited budget available for the proposed scheme and will need to ensure that expenditure is within the agreed level. The proposal to limit entitlement under the proposed scheme where it appears that the budget may be overspent is consistent with our understanding of the existing national scheme provisions. Where it is not possible to meet the full cost of the application, the Council will seek to provide alternative options and advice to the applicant as appropriate.

Respondent Comment

By all means require a modest repayment - and possibly a full repayment when employment is obtained - but reducing the existing subsistence benefits to cope with emergencies seems to indicate a short-term view that will generate further payments to avoid future crises.

Council Commentary

As the proposed scheme is intended to offer a grant for crisis payments rather than a loan as under the existing DWP national scheme, repayments will not generally be applicable unless for example fraud or error has occurred. Reduced entitlement payments may be considered if it appears that the budget for the scheme may be exceeded which is consistent with our understanding of the existing national DWP scheme provisions and is intended to be the exception rather than the rule. The proposal is to provide grants rather than loans as the cost of recovering loaned amounts would generally be uneconomical to pursue. Previous DWP advice from research they had conducted on the same issue had also indicated the same.

Respondent Comment

Payments by voucher limit choice, so cash payments may be required to obtain the desired item at a reasonable price. Why not just ask for receipts and claw back any shortfall?

Council Commentary

Pre-paid cards will permit an applicant to use the card at any outlet that allows the use of Mastercard. Additionally, the pre-paid card may be converted into cash at an automatic teller machine (ATM) for certain applications made such as money to be used for a prepaid electricity meter for example.

As Crisis Payments will be grants rather than loans, the provision for claw back will not apply unless for example the application has been made fraudulently.

Respondent Comment

Fraud and Error are two different things and so should be treated differently. More monies are lost through administrative error than by fraud in the benefit system.

Council Commentary

The potential recovery of payments made where fraud or error have occurred should be subject to the merits of each individual case and the circumstances concerned. Administrative errors may generally only be recoverable where the applicant should reasonably have been aware that an error had been made. This provision shall be incorporated within the final scheme documentation as per this commentary.

Respondent Comment

Fraud is a crime - so yes, recoup it in full."

Council Commentary

This comment is agreed and is incorporated within the scheme proposed.

Respondent Comment

Benefits are being sanctioned on a regular basis and for those with children 6 or over I think it is disgraceful that they should be expected to live on nothing to survive. They get into arrears which are never fully consolidated and generally seem to get the claimants more and more in debt as a result due to the knock on effects to housing and council tax or housing caps. I believe that if the DWP are sanctioning people that cash financial aid is paramount at a time that allows them to pick up their children from school (not at 3.40 - 4.30 when they need to be picked up) this i think is a disgraceful oversight or disregard for those claimants with children.

The benefits are already at the lowest amount a human being can live on in London, when a sanction occurs and a crisis benefit is necessary for them to put their heating on or buy food I believe it should be provided regardless of whether most in need.

Council Commentary

The proposed scheme will seek to offer successful applicants for crisis payments with a pre-paid card that may be obtained at a mutually convenient time having regard to the applicant's circumstances rather than a single time each day. Where a community care payment requires a card to be collected, a similar provision will apply.

Respondent Comment

"Crisis loans are designed to help those in dire financial emergencies just about scrape through. The most important thing is that at the very least they still manage to do this. It is important that these loans are not limited and will provide enough for people to get through whatever difficulties arise. Proof of needs and what it will cost to meet them is obviously necessary to prevent abuse but there is no limit to what can happen.

Council Commentary

Crisis payments under the Council's proposed scheme will be a grant rather than a loan and therefore will not be repayable unless a repayment is required in the case of fraud or error for example. There will be a cash limited fund available for financing payments under the proposed scheme and this is lower than existing levels of expenditure for the Brent area as provided through the Department for Work and Pensions. Consequently, there may be occasions where funds need to be limited to be contained within the budget provision. This proposal is not dissimilar to the existing DWP scheme where a similar provision is applied. However, application of this is currently anticipated to be the exception rather than the rule. Where it is not possible to meet the full cost of the application, the Council will seek to provide alternative options and advice where appropriate.

Respondent Comment

With prices rising and benefits being slashed many people in the community are barely surviving as it is and it is easy for any unexpected expense to cause a crisis. People living on one meal a day without heating can end up on 4 meals a week without electricity when circumstances have forced them to spend what little money they get dealing with an emergency. Basically what I am trying to stress is that crisis loans are for the communities most vulnerable people at their most vulnerable moments and few things are as important. Capping these payments may fail to address the multitude of problems that can arise for people already in extreme hardship. Failing to address peoples needs forces them to loan sharks, crime, begging and going without the food and warmth they need to stay healthy. Furthermore, rigid repayment plans can simply delay the crisis or spread it out over a longer period failing to address the original issue and creating more for the future.

Council Commentary

Crisis payments under the Council's proposed scheme will be a grant rather than a loan and therefore will not be repayable unless a repayment is required in the case of fraud or error for example. There will be a cash limited fund available for financing payments under the proposed scheme and this is lower than existing levels of expenditure for the Brent area as provided through the Department for Work and Pensions. Consequently, there may be occasions where funds need to be limited to be contained within the budget provision. This proposal is not dissimilar to the existing DWP scheme where a similar provision is applied. However, application of this is currently anticipated to be the exception rather than the rule. . Where it is not possible to meet the full cost of the application, the Council will seek to provide alternative options and advice where appropriate.

Respondent Comment

Paying people in non-cash ways such as vouchers often prevents people shopping around for the best deals meaning they need more money than they might otherwise require. It will also not give them the flexibility to deal with the knock on effects of the main problem for example if the problem is needing a new fridge forcing them to one store will prevent them finding cheaper alternatives such as a second hand appliance and it will not give them money to deal with knock on effects of the problem such as transporting the new fridge and replacing food that was spoilt.

It is also important to anticipate problems before they occur when possible. So for example when cuts are coming in other areas that will force some people into crisis situations funds are available to prevent or at least minimise problems."

Council Commentary

Pre-paid cards will permit an applicant to use the card at any outlet that allows the use of Mastercard. Additionally, the pre-paid card may be converted into cash at an automatic teller machine (ATM) for certain applications made such as money to be used for a prepaid electricity meter for example. The provision of second hand goods will also be explored as set out in the response below. The provision of a pre-paid card will also assist in ensuring that cash limited funds paid to applicants are not used for purposes other than those intended.

Respondent Comment

Why not just give a little more according to the circumstances of each citizen and then repayments can be made etc. At present many do not even get a chance to sign-on with much understanding from the DWP staff. Three applications for \ crisis loans each year isn't enough. Much more consultation on an individual basis especially when trying to sign-on and when being released from prison.

Council Commentary

The number of occasions where a crisis payment or community care payment are to be made are to be capped on a general level at 2. In the case of a crisis payment for a disaster situation, this limit will not be applicable and certain exceptions to the limit will apply also to community care payments such as where a house move occurs for example. The limits are proposed to ensure that the agreed cash limited fund is as far as reasonably practicable available for access by as many applicants that meet the criteria as possible. Where a payment cannot be made to an applicant, the Council will seek to offer advice and alternative options to them as appropriate.

Respondent Comment

"Centrepont supports the idea of offering support in kind, such as second hand furniture, as part of the provision as we recognise that it could make the pot go further. However, we believe there should still be scope for some cash payments for certain items that are not easy or suitable to get through a second hand supplier, such as carpets, or for meeting the cost of connecting basic items such as cookers.

Council Commentary

Pre-paid cards will permit an applicant to use the card at any outlet that allows the use of Mastercard. Additionally, the pre-paid card may be converted into cash at an automatic teller machine (ATM) for certain applications made such as money to be used for a prepaid electricity meter for example. The provision of second hand goods will also be explored as set out in the response below.

Respondent Comment

We also believe that a system of providing second hand goods could be made more effective by working with local agencies such as Centrepont to make sure that the items provided meet the needs of those moving into independent accommodation for the first time (i.e. the elements of a 'starter pack')."

Council Commentary

Council officers propose to explore this option further with local agencies as indicated.

Question 4 - Please comment if you feel that our proposed changes will affect particular individuals or groups more than others and if so, how you think we may address these.

Respondent Comment - Not applicable / none (16)

There were 16 respondents that responded to this question as not applicable / none and for which no further comment has therefore been made.

Respondent Comment – It will affect old and young people (1)

It will affect old and young people

Council Commentary

The proposals are intended to ensure that assistance is available to those in receipt of means tested benefits and thus on the lowest incomes where the qualifying conditions are met. This applies to persons both of pensionable age and working age.

Respondent Comment – Strong products are needed (1)

We need good and strong products, not trademarks.

Council Commentary

As it is currently proposed that claimants will be responsible for obtaining any goods for which they are entitled to a Local Welfare Assistance payment, they will need to ensure that the goods purchased meet their requirements within the funding given.

Respondent Comment – Unsure of others circumstances (1)

Unsure of others circumstances

Council Commentary

It appears that the respondent is indicating that they are unsure of whether the proposals are likely to impact on other groups as they do not have knowledge of their circumstances. No further comment is therefore made.

Respondent Comment – Proposals are fair (1)

I think it's fair for all

Council Commentary

As the respondent has indicated that the proposals are fair, no further comment has been made.

Respondent Comment

There should be clear protocols issued on these proposed changes at the earliest opportunity.

Council Commentary

This comment is agreed and to this extent, the Council will seek to publicise the changes and engage with relevant stakeholders concerning them at the earliest opportunity.

Respondent Comment

The changes will affect all claimants, but especially the vulnerable - the under 35s who only get room allowances under LHA, and those with physical or mental disabilities, or who have a poor understanding of English and find it difficult to navigate the current system.

Since poverty rates are higher amongst ethnic minorities, women, children and the disabled, any cuts to benefits hits these groups hardest. Crisis situations arise more frequently for those with young children (especially single parents), the sick and disabled and people who do not speak English as a first language. These people will suffer most from any budget cuts or delays to payment.

Council Commentary

The Council will publicise the scheme and engage with relevant organisations in the Borough to ensure that awareness of the changes is maximised within their members' community. It is recognised that crisis payments and community care payments are by their very nature sought by more vulnerable members of the community. Whilst there is no current evidence to suggest that a particular group with protected characteristics will be more adversely affected by the proposed scheme, the effects of the scheme will be monitored and reviewed within 6 months of the commencement date as set out in the Equalities Impact Assessment with any issues identified being considered, evaluated and addressed within the scheme. It is anticipated that payments will be made within a reasonable time according to the circumstances of the application.

Respondent Comment

To address these issues it is important to anticipate peoples needs before they arise when possible so that those most vulnerable don't suffer any more than they already do.

Council Commentary

It is unrealistic to expect that the Council can anticipate needs of an individual applicant before they arise. However, we will seek to ensure that an applicant's circumstances are considered sensitively and promptly.

Respondent Comment

A permanent staff member to be assigned to each claimant so that we can learn best how to get a positive result from the loan given.

Council Commentary

Council employees will resource the team administering the proposed scheme but there will not be one officer assigned to each claimant as this is not always practical and sustainable. However, relevant case details will be held for each applicant to enable officers to evaluate and review the approach taken for application(s) received and to permit improvements to be made accordingly. There are no proposed loans under the proposed scheme and therefore this part of the consultation response is not applicable.

Respondent Comment

"The existing social fund system provides a vital safety net for many of the homeless young people that Centrepont supports. It enables young people moving on from hostel accommodation to start as they mean to go on, in a safe, stable environment where they can build a new life. It also provides a fundamental safety net for people who find themselves in an emergency such as homelessness, without any money or access to their belongings. We estimate about 60% of Centrepont young people have accessed Social Fund support, either through Crisis Loan provision or Community Care Grant support. It is therefore vital that the localised system in Brent maintains this lifeline for vulnerable young people in the borough. We therefore believe that young people with a history of homelessness should receive particular priority when being resettled into independent living. This will ensure that the vital support provided by community care grants is continued and repeat homelessness avoided. An approach should be devised, in partnership with stakeholders including voluntary and charitable organisations, that clearly defines the basis for awarding financial and in kind assistance based on local and individual need.

Council Commentary

The Council will seek to balance the competing demands placed upon the cash limited fund agreed and to this extent will seek to work in partnership with key stakeholders to develop appropriate arrangements accordingly.

Question 5 - Please provide any other additional comments you wish to make concerning the proposals.

Respondent Comment

April 2013 will see the introduction of universal credit, rent increases in most social housing, housing benefit caps... much of which is still largely in a draft form, and will be difficult to implement. While LB Brent should acknowledge the budgetary restrictions this may entail, their policy protocols should primarily be based on simplicity of understanding, ease of access and a full recognition of how their new systems, continued high unemployment and lack of jobs paying the London Living Wage in the borough affect the health and well-being of the area as a whole. The borough should insist that the businesses in the region pay a decent wage as their first step to lowering their Housing Benefit bill.

Council Commentary

Simplicity of understanding, ease of access etc are accepted as key protocols of any scheme within the context of an agreed budget. Although the Council does not have the power to insist that businesses in the region pay a “decent” wage, other national measures such as the minimum wage are intended to ensure that employees receive protection in this respect.

Respondent Comment

The manner in which you have asked the first question is very misleading and does not allow us to dispute the changes in crisis and community care payments. It has been noted that you are asking questions in order to satisfy your justifications to cut the benefits that makes it look like this is a pre-ordained affair not a democratic questionnaire at all.

Council Commentary

The first question in the consultation questionnaire asked respondents to rank which principle was most important to them. Other questions asked in the consultation questionnaire were intended to permit respondents to comment on the fairness of the principles of the scheme and to provide any supporting comments accordingly. Question 5 was intended to enable respondents to comment on any other matters and could therefore have been used to make reference to any more specific concerns regarding the proposed changes in crisis and community care payments.

Respondent Comment

Please where ever possible, make savings in other areas and prioritise providing for desperate people in dire situations. When people need money they have to have it and if local government cannot provide it, then they will have to turn to other sources

of money such as begging, crime and high interest loans which cause problems costing far more to solve than providing crisis loans.

Council Commentary

The Council has been given funding from central government that may be used for the purposes of providing a local scheme and this funding is £128,891 less than the expenditure incurred for the Brent area in 2011/12. The Council will therefore need to ensure that any financial assistance provided is within the agreed budget available. Where assistance cannot be provided, alternative options and advice will be given as appropriate.

Respondent Comment

This is not a very good financial time to consult on such a difficult issue. Especially due to the family responsibilities at the end of each year. Christmas, New Year, etc.

Council Commentary

The Council has no statutory obligation to consult regarding its proposed scheme but wished to do so to obtain the views and comments of its stakeholders and customers prior to finalising its decisions. The timing of the consultation and the duration were intended to allow the Council Executive to consider and approve a final scheme in February 2013 thus permitting 6 to 8 weeks to implement the scheme and ensure that training and publicity were effective.

Respondent Comment

A constant flow of money is needed not just a large one off sum.

Council Commentary

The cash limited funding available for any proposed scheme and its purpose is such that a constant flow of money from it cannot be realistically sustained. To this extent, other available options and any other appropriate advice will be given as appropriate.

Respondent Comment

Wider publicity with improved staff training. Why not get them to test the services themselves?

Council Commentary

The Council proposes to undertake a publicity programme following the decision of the Executive in February and to effectively train its team of personnel responsible for delivering the service. This will also include the provision and testing of software, systems and procedures by the relevant personnel.

Respondent Comment

"Centrepont broadly supports the eligibility criteria set out in the consultation document. However, we believe that greater clarification is required on a couple of the elements. For example, we broadly agree that those who could receive a Universal Credit (UC) advance should utilise this service rather than a crisis payment, but this requirement should not be allowed to slow down an application in a crisis. The Brent system should therefore not require claimants to make a UC application first if there is a reasonable chance that it will be rejected as this delay could lead to real hardship in many cases. Decision makers should be allowed discretion to take account of individual circumstances. If they do believe a UC advance is a more appropriate option, they should effectively signpost claimants to the advance application system and ensure the individual fully understands their options.

Council Commentary

This response is accepted in principle and cases should be considered on their individual merits. This provision will therefore be incorporated within the scheme documentation.

Respondent Comment

We also believe that clarification is needed about the requirement for the individual to accept 'reasonable conditions' such as accepting budgeting support. We strongly support the idea of linking the community assistance systems with budgeting support – it is vital that the intelligence about an individual's problems is properly followed up on by other services within the local authority. However, the most vulnerable claimants may not be able to effectively engage with this kind of support service if they are facing severe crises. Decision makers must therefore take into account an individual's support needs and circumstances when determining what 'reasonable conditions' are, and there should be scope to defer these conditions if claimants provide good cause for not being able to meet them immediately.

Council Commentary

It is agreed that reasonable conditions should have due regard to an individual's needs and circumstances and that there should be scope to defer these if an applicant can show reasonable good cause for not being able to meet them immediately. This provision will be included within the scheme documentation.

Comments Received from Job Centre Plus

1. The proposal to exclude from access to the scheme for 12 months persons that have been prosecuted for fraudulently claiming Council Tax Support, Council Tax Benefit, Housing Benefit or a Brent Community Assistance Payment should

be reviewed to differentiate between whether a person has served a sentence for the crime or not. Consideration as to whether this provision should apply in the event of a “disaster” situation as well as the wider definition of Crisis Payments and Community Care Payments should also be given.

2. Could Employment Support Allowance (ESA) and Job Seekers Allowance (JSA) (the contribution based elements) be included in the proposed crisis payment qualifying benefits in addition to the means tested benefits already listed.
3. In relation to the proposed requirement for an applicant for example that is fleeing domestic violence or has been discharged from prison to soon be in receipt of a qualifying benefit, could an interim payment for a short period of time to enable them to start receiving their benefit be considered as an option.
4. The current proposal for only 2 crisis payments or 2 community care grant payments in any 12 month rolling period within Brent should be considered in relation to successful applications made to other authorities also.
5. Consideration should be given to the prevention and detection of fraud.

Council Commentary

1. It is proposed that the final scheme should differentiate between those applicants that have effectively served a sentence for a conviction and those that have not. It is also proposed that this provision should not apply to applications received for a Crisis Payment in the event of a “disaster” but should apply to other Crisis Payments and Community Care Payments.
2. It is proposed that Crisis Payments should be available under the scheme only to those persons in receipt of means tested benefits and hence potentially with the lowest incomes. The entitlement to a Crisis Payment under the scheme for a “disaster” situation would be available to applicants in receipt of other benefits.
3. In relation to the proposed requirement for an applicant for example that is fleeing domestic violence or has been discharged from prison to soon be in receipt of a qualifying benefit, appropriate provisions shall be incorporated within the final scheme documentation to ensure that such persons are not adversely affected where they do not currently receive such a Benefit.
4. It is proposed that only 2 crisis payments or 2 community care grant payments in any 12 month rolling period within Brent will be permissible as each authority will be operating its own scheme and the entitlement conditions and approaches may therefore be different.
5. The final scheme documentation will incorporate appropriate procedures and provisions for minimising the opportunity for fraud and maximising fraud detection.

2012

Equality Analysis

Guidance and Form



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Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Finance and Corporate Services Service Area: Brent Customer Services	Person Responsible: Name: Kerry Standing Title: Service Manager Benefits & Customer Services Contact No: 0208 9371696 Signed: K.Standing
Name of policy: Local Welfare Assistance	Date analysis started: 17 th January 2013 Completion date 21 st January 2013 Review date:
Is the policy: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	Auditing Details: Name: Elizabeth Bryan Title: Principal Diversity Officer Date 21st January 2013 Contact No: 0208 937 1190 Signed: E.Bryan
Signing Off Manager: responsible for review and monitoring Name: David Oates Title: Head of Service (Benefits & Customer Services) Date Contact No:0208 9371978 Signed:	Decision Maker: Name individual /group/meeting/ committee: Executive Committee Date:18 th February 2013

2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?

This policy is new resulting from the cessation of the existing Social Fund scheme administered by the Department for Work and Pensions and the proposed provision of a Local Welfare Assistance Scheme by Brent Council.

At present, the discretionary elements of the Social Fund comprising Crisis Loans and Community Care Grants are provided by DWP through their Job Centre Plus offices. From 1st April 2013, these will cease and Local Authorities have been given discretion to provide a Local Welfare Assistance Scheme to provide financial support to applicants meeting locally defined criteria.

Community Care Grants are primarily intended to help vulnerable people live as independent a life as possible in the community. They are awarded to households receiving means-tested benefits such as Jobseekers Allowance. The prime objectives of the grant are to:

- help people to establish themselves in the community following a stay in institutional or residential care;
- help people remain in the community rather than enter institutional or residential care;
- help with the care of a prisoner or young offender on release on temporary licence;
- ease exceptional pressures on families e.g. the breakdown of a relationship (especially if involving domestic violence) or onset of a disability, or a calamity such as fire or flooding;
- help people setting up home as a part of a resettlement programme following e.g. time in a homeless hostel or temporary accommodation; or
- assist with certain travelling expenses e.g. for funerals of a family member or hospital visiting.

Crisis Loans are intended for applicants unable to meet their immediate short term needs in an emergency or as a consequence of a disaster. They are awarded for immediate living expenses in order to avoid serious damage or risk to the health or safety of the applicant or a member of the family.

All Local Authorities will receive funding from the Department of Work and Pensions but the funding is not ring-fenced and there is no statutory obligation upon a Local Authority to provide a Local Welfare Assistance Scheme. Consequently, Brent Council must decide whether or not it wishes to provide a scheme and if so how much of the funding allocated will be spent on the scheme. A report is being submitted to the Executive in February 2013 recommending the provision of a LWA that is fully funded by the £855,509 provision from the Government retaining many of the existing national DWP scheme provisions but

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with some key fundamental changes.

For example, it is proposed that Crisis Payments should be a grant rather than a loan and be limited in general terms to two successful awards in any rolling 12 month period. However, it is important to note that the limit of two is within the Brent Council area rather than nationally. It is also proposed that Crisis Payment should be limited to applicants in receipt of specified means tested benefits such as Income Support whereas the existing DWP scheme is open to all applicants. This requirement will not however apply in the case of crisis payments sought as a consequence of a “disaster” situation.

Community Care Grants are currently restricted to applicants in receipt of prescribed benefits which the Council’s proposed scheme retains but adds Universal Credit as an additional benefit. Community Care Grants are also proposed to be limited to two successful awards in any rolling 12 month period rather than unlimited as at present although this provision may not apply to situations such as a move of home for example.

It is also intended that payments of entitlement will be made through the use of a pre-paid card rather than cash albeit with the potential for certain applications to be converted into cash at an ATM where a card would not meet the applicant’s requirements. (e.g. awards made for a prepaid electricity meter).

It should be noted that the funding allocated to Brent for 2013/14 is £855,509 and is £128,891 less than the annual DWP expenditure for Social Fund awards during 2011/12. This presents a major challenge for Brent particularly at a time when other significant welfare reforms are also being implemented. Consequently, the principles of the scheme have been reviewed to ensure that the limited funds available are directed to Brent residents most in need.

3. Describe how the policy will impact on all of the protected groups:

Cover all characteristics

These are listed below:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

Age

The proposed scheme permits applications from applicants aged 16 or over for Crisis Payments and 18 or over for Community Care Payments although there are some exceptions to this rule. Applicants under the age of 16 generally remain the responsibility of their parents with Child Benefit being paid in respect of them subject to the new nationally introduced means test criteria. However, it is intended that the proposed scheme will not permit a Crisis Payment to be made to applicants living at home with friends or family except where there are exceptional circumstances. For example, the person is at genuine risk of being evicted from the home if a Crisis Payment is not made.

Persons aged under 35 and living at home with family / friends appear to have accounted for a higher proportion of Social Fund awards under the existing scheme administered by the Department for Work and Pensions. As the proposed scheme will remove entitlement for Crisis Payments in respect of persons living at home with friends or family except in exceptional circumstances, it is possible that the scheme may have an adverse impact upon this age group. However, this policy intent can be justified as the proposed scheme is intended to prioritise awards to applicants experiencing a genuine crisis.

Disability

The awards are intended to be provided to those most in financial need. However, in order to ensure equality of opportunity of access to this fund awareness of its availability will be appropriately promoted..

Gender Reassignment

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

Marriage and Civil Partnership / Pregnancy and Maternity

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

Race / Religion / Belief

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

Sex

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

In the case of a couple applying for a LWA payment, the applicant may be either partner and consequently, the reference to the sex of the applicant may not be a

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true indicator of the application of equality to this protected characteristic.

Sexual Orientation

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

General Comments applicable to all Protected Characteristics

The proposed scheme is intended to target entitlement to those most in financial need and it is envisaged that potential claimants will include but not be limited to pensioners, families, and single parents.

It is important that the availability of the funding is known to those who are most likely to qualify for the funds and that there is equality of opportunity to make the applications by those groups who may have had less access under the previous DWP arrangements. This will be achieved by appropriate notification of the scheme and manner in which an application can be made.

There may be a positive impact for some groups as a result of the proposed scheme's eligibility criteria as there may be more funds still available for them as a consequence of restricting access to a Crisis Payment so that for example only those customers living with friends or family who have a contractual rental liability can apply for assistance through this fund.

Please give details of the evidence you have used:

Need to explain how we arrived at priorities, what evidence was used

There is limited data currently available to the Council concerning existing service demand for the national DWP Social Fund scheme particularly in relation to the protected characteristics as set out in the Equalities Act. Data that has been provided gives information in proportionate terms only for 2011/12 relating to age, sex and marital status. The DWP will not be providing any further data concerning other protected characteristics. The combination of the above, the fact that the proposed scheme for Brent is a new scheme for which data does not currently exist and the low response rate to the consultation conducted, mean that the full impact of the proposals cannot be effectively determined at this stage. Brent Council recognises the importance of recording more detailed data and using it for effective monitoring and review purposes and will review data concerning applications and awards made during 2013/14 and consider making relevant changes to the scheme where any adverse impact is identified for a particular group or groups.

Stakeholder Engagement

Pre-consultation discussions were held with Citizens Advice Bureau (CAB) and Genesis Housing Association. CAB proposed that consideration be given to including school uniforms as an allowable item for entitlement under the Local

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Welfare Assistance Scheme as it is currently excluded under the national one administered by the DWP. This has been considered but given that funding available for the proposed scheme is reduced in comparison to existing levels, this option has been discounted at this stage but will be kept under review.

Genesis Housing Association proposed that a face-to-face service be considered as customers often need assistance. The existing scheme administered by the Department for Work and Pensions is an online and telephone application process only. Brent Council proposes that its scheme replicate this approach but recognises that some customers may require face-to-face service access and therefore this will be offered to customers in certain circumstances.

The results from the consultation undertaken have been set out within Appendix A and Appendix A2 to the main Executive report.

4. Describe how the policy will impact on the Council's duty to have due regard to the need to:

(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;

Our proposed scheme is intended to provide financial assistance to permit applicants to live or continue to live in the Borough. It is also intended to provide financial support to applicants who are experiencing a Crisis where it may affect their safety or in the event of a "disaster" situation. Our proposed eligibility criteria are intended to permit applicants that are fleeing domestic violence or have been discharged from prison to apply for assistance by not requiring them to have lived within the Borough for a predetermined qualifying period.

The existing scheme administered by the DWP is an online and telephone application process only. Brent proposes to replicate this approach but recognises that in certain circumstances, customers may require face-to-face service access and therefore proposes to include provision for this service where appropriate. The use of an induction loop for customers with a hearing impairment and access for disabled customers to the Civic Centre premises will also be available for the provision of this service.

Additionally, the specification for the IT software system to administer the scheme makes provision for the monitor "screen background" to be suitable for customers to view where they have impaired vision and wish to make their application online. The specification for the proposed scheme IT software system includes the provision of a reporting facility which enables analysis and review of data to be undertaken and changes considered if an adverse impact is identified. This will be carried out during the first six months of the scheme commencement date.

There is no evidence at this stage that there will be any indirect discrimination as a consequence of the proposed scheme and the situation will be carefully monitored.

(b) Advance equality of opportunity;

Our proposed scheme is intended to provide financial assistance to permit applicants to live or continue to live in the Borough. It is also intended to provide financial support to applicants are experiencing a Crisis where it may affect their safety or in the event of a “disaster” situation. Our proposed eligibility criteria are intended to permit applicants that are fleeing domestic violence or have been discharged from prison to apply for assistance by not requiring them to have lived within the Borough for a predetermined qualifying period.

The existing scheme administered by the DWP is an online and telephone application process only. Brent proposes to replicate this approach but recognises that in certain circumstances, customers may require face-to-face service access and therefore proposes to include provision for this service where appropriate. The use of an induction loop for customers with a hearing impairment and access for disabled customers to the Civic Centre premises will also be available for the provision of this service.

Additionally, the specification for the IT software system to administer the scheme makes provision for the monitor “screen background” to be suitable for customers to view where they have impaired vision and wish to make their application online.

The specification for the proposed scheme IT software system includes the provision of a reporting facility which enables analysis and review of data to be undertaken and changes considered if an adverse impact is identified. This will be carried out during the first six months of the scheme commencement date.

(c) Foster good relations

The intention of the proposed scheme is to ensure that all communities have equal access to assistance, once they are able to demonstrate a genuine need, measured against specified criteria and eligibility requirements. This will contribute to the fostering of good relations through the consistent application of eligibility criteria and fair administration.

The proposed scheme has the intention of giving responsibility to applicants to comply with reasonable conditions such as seeking financial assistance / advice as a pre-requisite to any future payment award. This may include referring them to other potential support networks including Debt Line, CAB, Brent into Work or charitable organisations for example.

Additionally, safeguards will be in place to prevent abuse of the scheme. For example, pre-paid cards will be given to successful applicants to ensure that as far as reasonably practicable, the award is spent on the purpose intended. Restrictions will be in place to prevent expenditure on alcohol, gambling and cigarettes for example. Where an applicant requires cash such as for use in a prepaid utility meter, the credit on the pre-paid card may be converted into cash at an ATM subject to approval by the authorising officer.

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This provision provides the Council and Brent residents with an assurance and confidence that public money is being spent appropriately and for the purposes intended.

5. What engagement activity did you carry out as part of your assessment?

Please refer to stage 3 of the guidance.

Who was consulted on the plan, which protected characteristics were included in consultation?

i. Who did you engage with?

- Jobcentre Plus Officers at Harlesden and Willesden
- Citizens Advice Bureau (Pre-consultation)
- Genesis Housing Association (Pre-consultation)
- Brent residents and the general public through the online consultation
- Letters / email to key stakeholders and voluntary organisations informing them of the changes and Brent's proposals, offering stakeholder meetings and/or an opportunity to provide comments or complete the online consultation questionnaires.
- Existing Social Fund applicants collecting their payments at Job Centre Plus offices

ii. What methods did you use?

- All consultation documentation including the questionnaire was available on Brent Council's Consultation Tracker website - www.brent.gov.uk/consultation,
- Meetings were held with Job Centre Plus representatives from Willesden and Harlesden where Social Fund payments are currently issued to claimants,
- A pop up screen outlining the nature of the consultation and how to access the online consultation documentation was activated each time one of the Brent public library PC's was accessed by a customer. During the consultation period, there were 3,464 customer sessions where this message was displayed,
- Letters outlining the consultation arrangements were sent by post / email to 42 organisations including Housing Associations with a property interest in the Borough, welfare organisations, the Police and Probation Service and interest groups to inform them of the nature of the consultation and

how they may access the consultation documentation,

- Letters outlining the consultation arrangements were sent by email to 174 voluntary organisation representatives on 12th December 2012 informing them of the nature of the consultation and how they may access the consultation documentation,
- Letters outlining the consultation arrangements and how to access the consultation documentation were also sent to the three Brent MP's and Chamber of Commerce,
- Council officers engaged with 21 Social Fund customers collecting their Crisis Loan payments from Harlesden and Willesden Job Centre Plus offices over a four day period.

iii. What did you find out?

Appendix A and A2 to the main Executive report on the proposed scheme set out the results from the consultation and the comments received and how they will be progressed as appropriate.

The 6 principles outlined in the consultation were considered by the majority of respondents to be fair with the exception of principle 5 concerning the provision of pre-paid cards rather than cash as the method of payment. The responses and hence perception concerning this proposed principle were mainly from existing Social Fund applicants that receive their payments by cheque. The proposed scheme will permit a credit on a pre-paid card to be converted into cash at an automatic teller machine (ATM) in specified circumstances where a pre-paid card would not be appropriate for use (e.g. pre-payment for a utility meter) and respondents may not have been aware of this feature at the time of the consultation.

The response rate to the consultation was very low and the demographic data provided by respondents was not representative of the population of the Borough as a whole. Some respondents did not answer all of the questions and some gave more than one answer to a single question. Consequently, due regard to these matters should be given when considering the outcomes identified.

Job Centre Plus officers proposed that there should be a differential between applicants that have committed fraud and served a sentence compared to those that have not served a sentence. This proposal has been agreed and will be incorporated in the scheme documentation.

The consultation feedback made reference to some groups having a greater need for support such as young families and young persons. The proposed scheme intends to allow for such circumstances where the financial circumstances warrant it.

iv. How have you used the information gathered?

Demonstrate there is a relation to the consultation feedback and the final proposals.

Appendix A and Appendix A2 to the main Executive report set out the findings from the consultation and the evaluation of these. Where a proposal has been accepted, this will be incorporated within the scheme documentation. Where a proposal has been rejected, this has been stated together with the reason for the rejection.

v. How has it affected your policy?

Appendix A and Appendix A2 to the Executive report set out how the comments and proposals have been evaluated and the outcome from this. Accepted proposals and comments will be incorporated within the scheme documentation.

6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.

It is currently difficult to effectively evaluate whether any potential groups are likely to be adversely affected by the proposed scheme as there is an absence of available data being as the scheme is new. Current data for the existing national DWP run scheme as it affects Brent residents is also limited and relates to a scheme that operates applying different principles.

Additionally, the consultation response rate was low and not representative of the Borough population as a whole.

It is understood that there is a current demand for Crisis Loan payments via the DWP national scheme for persons living at home with friends and family and that this appears to apply particularly to applicants aged under 35. However, the precise numbers concerned and the effect of the Council's proposed scheme to remove potential entitlement for Crisis Payments from persons living at home with friends and family except in exceptional circumstances is uncertain. To this extent, it is proposed that the numbers of applicants, their status and entitlement will be monitored and in the event that an adverse impact is identified, consideration will be given to making any appropriate changes to the scheme accordingly.

Currently, the Social Fund is accessed predominantly by persons of working age

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as these are the customers most likely to visit Job Centre Plus offices. Under the Council's proposed scheme, it is possible that there may be a greater proportion of applicants of pensionable age by virtue of their increased awareness and Council publicity concerning the new arrangements.

As set out above steps will be taken to ensure that all protected groups are aware of the scheme and have access to it.

Please give details of the evidence you have used:

The data for the existing DWP Social Fund scheme has been used together with available 2011 census data and consultation responses and comments received.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age			x
Disability			x
Gender re-assignment			x
Marriage and civil partnership			x
Pregnancy and maternity			x
Race			x
Religion or belief			x
Sex			x
Sexual orientation			x

8. The Findings of your Analysis

No major change

Your analysis demonstrates that:

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

Please document below the reasons for your conclusion and the information that you used to make this decision.

This Equality Impact Assessment is a predictive one which will need to be reviewed within six months of implementation of the proposed scheme to evaluate and review its impact on groups within the Borough.

Adjustments to the proposed scheme will be made as a consequence of the findings from the consultation where indicated in Appendix A and A2 to the main Executive report. The consideration and evaluation of these is set out within these appendices. Where an adjustment has been agreed as set out in Appendix A and A2, it will be incorporated into the scheme documentation to be finalised by 31st March 2013.

Adjust the policy

This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).

Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.

If you have identified mitigating measures that would remove a negative impact, please detail those measures below.

Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.

There are no adverse impacts that have been identified at present. To this extent, the proposed scheme will continue subject to Executive approval and any adjustments set out in Appendix A and A2. Where adjustments to the proposed scheme have been identified and agreed from the consultation undertaken, these relate predominantly to the technical aspects of the scheme and will be incorporated in the scheme documentation to be finalised by 31st March 2013.

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Continue the policy

This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.

In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.

Explain the countervailing factors that outweigh any adverse effects on equality as set out above:

There are no adverse impacts that have been identified at present. To this extent, the proposed scheme will continue subject to Executive approval. Where adjustments to the proposed scheme have been identified and agreed from the consultation undertaken, these relate predominantly to the technical aspects of the scheme and will be incorporated in the scheme documentation to be finalised by 31st March 2013.

Please document below the reasons for your conclusion and the information that you used to make this decision:

The response to the consultation was low with respondents not answering all questions or giving more than one response to a single question. Additionally, as the majority of the respondents were existing Social Fund customers, the results are biased accordingly. The analysis of the consultation responses in demographic terms indicates that these were not representative of the Brent population as a whole. Data available from the existing DWP national scheme is limited and cannot be relied upon for application to the Local Welfare Assistance Scheme proposed for Brent which uses different principles and is a new scheme. Consequently, the weighting applied to the data and responses received must be considered accordingly.

Stop and remove the policy

If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.

Please document below the reasons for your conclusion and the information that you used to make this decision.

There are no adverse impacts that have been identified at present.

9. Monitoring and review

The Council proposes to record data on the proposed IT software administration system concerning an applicant's status as it applies to the protected characteristics set out in the Equality Act. This will enable the impact of the proposed scheme to be evaluated and reviewed within six months following implementation by service managers and team leaders. The measures to achieved this are set out in section 10 below.

10. Action plan and outcomes

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Record monitoring data from applications received	From service commencement date	KS	To enable effective monitoring of the scheme to be undertaken and evaluated	Ongoing	
Produce monthly monitoring report for equalities data	Monthly	KS	To enable emerging trends to be identified and considered	Ongoing	
Review scheme in relation to findings from equalities monitoring data	Within six months of service commencement date	KS	To enable emerging trends to be identified and any appropriate scheme amendments to be considered	Six months from service commencement date	

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Please forward to the Corporate Diversity Team for auditing.

Introduction

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

The Equality Act 2010

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

What is equality analysis?

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

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What should be analysed?

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

When should equality analysis be done?

The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

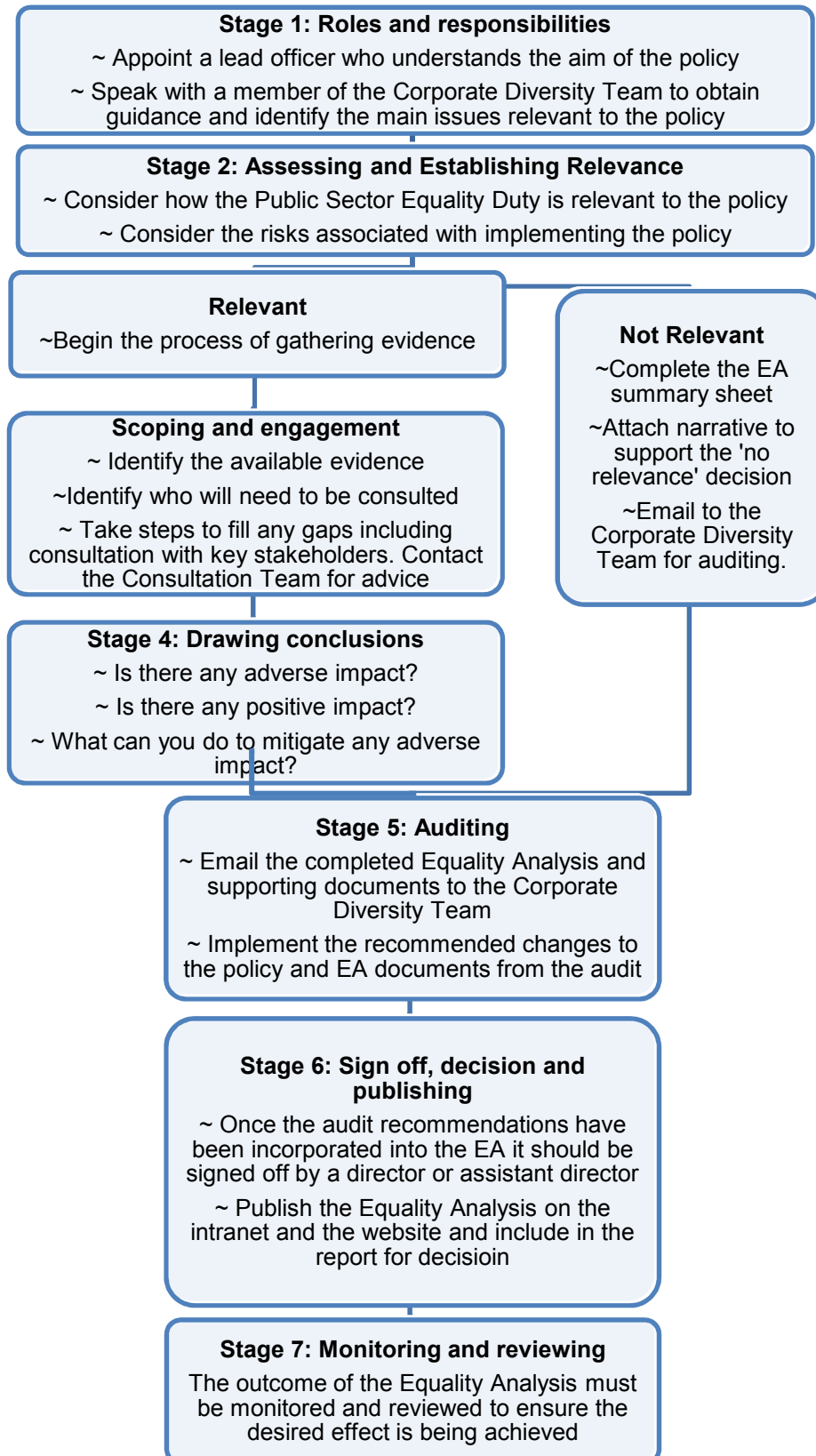
Positive action

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

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Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



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Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> • Check that the analysis has been carried out thoroughly: • Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.) • Take account of any countervailing factors e.g. budgetary and practical constraints
The officer undertaking the EA	<ul style="list-style-type: none"> • Contact the Corporate Diversity and Consultation teams for support and advice • Develop an action plan for the analysis • Carry out research, consultation and engagement if required • Develop recommendations based on the analysis • Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to • Incorporate the recommendations of the audit • Include the Equalities Analysis in papers for decision-makers
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> • Provide support and advice to the responsible officer • Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties. • Return the analysis to the responsible officer for further work if it fails to meet the necessary standard • Consult Legal if necessary (this stage of the process will take at least 5 days)
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> • That the EA form is completed • That any issues raised as part of the auditing process have been fully dealt with • That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker • Ensure that the findings are used to inform service planning and wider policy development.

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Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

Key Questions:

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

“Not relevant”

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

Stage 3: Scoping

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Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

Sources of information

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.

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- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

Service user information

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

Identify your information gaps

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

Engagement

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement

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can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

Stage 4: Drawing conclusions

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

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If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

Stage 5: Auditing

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

Stage 6: Sign Off, Decision and Publishing

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

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Decision-making

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

Stage 7: Monitoring and Reviewing

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

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Section 3: Glossary

Civil partnership: Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

Direct discrimination: This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

Disability: A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Equality information: The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

Gender reassignment: This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

Harassment: Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

Indirect discrimination: This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

Mitigation: This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

Objective justification: Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

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Positive action: Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

Pregnancy and Maternity: Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

Proportionality: The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

Race: This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

Reasonable adjustment: Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

Relevance: How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

Religion or belief: Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

Sexual orientation: This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Trans: The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

Transgender: An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

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Transsexual: A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

Victimisation: Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

A Summary of the Equality Act 2010

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

The Public Sector Equality Duty

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

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These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.

Appendix C – Key Dates

Draft Timetable	Local Welfare Assistance Scheme
Leader's briefing	28 th January 2013
Executive	11 th February 2013
Implementation and Publicity	12 th February – 31 st March 2013
Go live date	1 st April 2013

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