

**Appendix B**

**Equality Analysis for Discretionary  
Housing Payments**

<b>Name of service/policy/project/decision to undergo equality analysis:</b>
Discretionary Housing Payment Policy
<b>Key contact person and others involved:-</b>  Julie Higinbotham, Benefits and Investigations Manager Ian Brown, Head of Revenues and Benefits
<b>Date completed:</b> February 2013
<b>Review date (at least annually):</b> January 2014
<b>Identify aims:</b>
<p>The Welfare Reform Act 2012 ends the current provision of the existing council tax benefit. Whilst Housing Benefit will continue until all claims are transferred to Universal Credit, there will be a need to assess claims for discretionary housing payments. Discretionary housing payments (DHPs) are awarded to those who, having been assessed, find that their entitlement falls short of the actual due. From 1<sup>st</sup> April 2013 funding for this provision will be increased to cope with the impact of the welfare reforms, specifically the under occupation charge and the benefit cap and in conjunction with new government direction that states DHP should be aimed at two groups:-</p> <ol style="list-style-type: none"> <li>1. Disabled people living in accommodation that has been substantially adapted for their needs and</li> <li>2. Foster carers including those between placements</li> </ol> <p>DHPs will be available to all Wiltshire who are entitled to housing benefit. Access is given by direct application, via the completion of a means test and determined by officers and referral from other services including housing , housing options, Children’s Services and Adult Social Care.</p> <p>Those people falling outside the remit of the service will be directed to other forms of support by means of intelligent signposting to other organisations that can provide appropriate help and support.</p> <p>Unfortunately, the amount of funding the council will receive will not cover the huge impact of welfare reform, despite an increase in funding. Although the Council has been given the opportunity to deliver further discretionary payments, the level of awards will still have to be determined on need, regardless of the individual’s circumstances as the scheme has to be delivered within a finite budget.</p>
<p>Whilst we have evidence of historic spend the number involved and the sums awarded have not been significant. Generally this has been due to the generosity of the scheme and the fact that the scheme had kept in line with the cost of living in Wiltshire, where excessive rental costs were rare.</p> <p>This historical data can only provide an indication in terms of future demand and trends. Wider equality data across all of the protected characteristics will be captured as part of the application process to the new scheme.</p> <p>Furthermore, detailed case level information will be captured and analysed about both successful and</p>

unsuccessful applications to help inform future development of the scheme.

Reference should also be made to a report by the Campaign for a Fair Society, by Dr Simon Duffy, entitled:- A fair society, (How the cuts target disabled people)

### Assess the impact:

The service is available to anyone residing in the county who is in receipt of housing benefit and satisfies the eligibility criteria. Eligibility is based on need as well as the applicant's individual circumstances and level of exposure to risk if no assistance was offered.

The key changes from the current model of support are:

- A direct shift toward protecting key groups, rather than just a means tested award
- Development of support packages that go beyond addressing the immediate crisis but rather helps people to help themselves, by accessing other funds that may be more appropriate.
- Local access routes
- Easier application process but with stricter eligibility criteria, determining duration of award (13, 26, 39 or 52 weeks)

Wiltshire Council has developed a scheme that seeks to provide greater access to those most in need and limits opportunities for abuse.

### Ensure fairness:

Customers, many of whom will have complex needs will be better served by a locally delivered more integrated and holistic approach that Wiltshire Council is now in a position to offer.

During the development of the scheme the Council has tried hard to balance the reality of a significant cut in funding with protecting and targeting the scheme towards the most vulnerable members of our community. Particular focus has been on the potential impact that this change of model will have on the people with protected characteristic under the Equality Act:-

Two groups defined in the Equality Act are known to be disproportionately targeted either by the benefit cap (which imports a bias against cultures predisposed to large families), or by welfare reform as a whole (disabled persons). There is substantial national and local evidence to suggest that while Wiltshire's relative cultural homogeneity means the former are few in number, the latter are not. This provides a rationale for prioritising household with substantial structural adaptation, with DHP, where the need is demonstrated.

#### Disability

Research undertaken by the council and by a number of other researchers has confirmed that those with a disability will be disproportionately affected by these changes, specifically under occupancy charges. Our evidence suggests that homes that been the grant funded to provide adaptations, equate to 22% of all homes subject to an under occupancy charge. Even where there is no adaptation many of those affected are explaining that it is impossible for a member of the household to share a bedroom, whether that be a partner, spouse or sibling, because of the nature of the disability.

There is concern that whilst the scheme is not new, access to the scheme for individuals with this particular characteristic, may be difficult. Action will be taken to target communication about the scheme to disabled groups. Furthermore, the scheme will be regularly monitored and evaluated to ensure disabled people continue to get the support they require.

The policy has therefore been amended to ensure that those in substantially adapted property and who can demonstrate a financial need will have access to discretionary housing payments.

### Age

In reviewing local data in respect of awards made during 2012/13 the following table illustrates that customers of pensionable received far lower rates of award. However those of pensionable age will be better protected by the new housing benefit regulations which will take effect from 1<sup>st</sup> April 2013 than those of working age, who will bear the full impact. The under occupancy charge will not apply to any household where the resident is of pensionable age.

Awards based on Age in 2012-13

Age Bracket	
Under 35s	203
Between 35 and Pension	270
Pensionable age	63
Total	536

### Religion/Belief

It would appear that the most of the historic data, and reports collated were prior to the new Equality Duty that came into effect from April 2011 and therefore do not make reference to all of the 9 protected characteristics. Wider equality data across all of the protected characteristics will be captured as part of the application process to the new scheme.

### Gender

Unfortunately, there is rather limited disaggregated data for a comprehensive analysis of gender in relation to applicants and success rates across Wiltshire; although, local data suggests that a majority of recipients are women. However, the provision of a locally-delivered service may promote a more equal spread of applications across gender or at least help us to understand why there is such a marked difference in take up.

### Gender reassignment

There is no national data on gender reassignment as it is not relevant in terms of accessing the scheme. The merits of collecting equality data across all protected characteristics will be considered as the scheme progresses.

### Sexual orientation

There is no national data on sexuality as it is not relevant in terms of accessing the scheme. The merits of collecting equality data across all protected characteristics will be considered as the scheme progresses.

### Race

The council does not currently keep case level data on race. Support will be given in terms of

accessing the new service with particular regard to interpretation services, availability of forms and information in different languages and targeted benefit campaigns. Furthermore, the merits of collecting equality data across all protect characteristics will be considered as the scheme progresses.

The new scheme will not discriminate against any protected group covered by the Equality Act 2010.

#### Marriage and Civil Partnership

Marriage Couples and civil partnerships are recognised equally under the new scheme. Furthermore wider equality data across all of the protected characteristics will be captured as part of the application process to the scheme.

#### Pregnancy and Maternity

The council does not currently keep case level data on pregnancy or maternity. Support will be given in terms of accessing the new service with particular regard to those who are pregnant as the arrival of a child will impact upon the under occupancy charge. The wider equality data across all of the protected characteristics will be captured as part of the application process to the new scheme.

#### Deprived/Socio Economic/Disadvantaged groups

The overriding driver to devolve the scheme to a local level is to ensure it benefits those most disadvantaged individuals in the community. By delivering the scheme, in conjunction with other discretionary funds, locally, may ensure that applicants can be sign-posted or encouraged to apply for other funding available from the council. Funding allocation will be carefully monitored to ensure equity across the socio economic divide, however priority will be given to the disabled and to foster cares.

The table below gives an indication of the numbers of customers who are in receipt of housing benefit, are under occupying their homes and receive support from either the council's Children's Services or Adult Social Care.

#### **Under-occupying households: Adult Social Care and Children's Services**

Care category	Number affected by 'bedroom tax'	Average HB reduction per household pw	Total reduction to HB pa, all households
ASC	99	£14.76	75984.48
Children's Services	107	£15.27	84962.28
<b>Total</b>	<b>206</b>	<b>£15.02</b>	<b>£160,946.76</b>

#### **Finalise your decision:**

Senior staff and stakeholders have been consulted in the design and delivery of the new scheme, and the policy document setting out the scope and qualifying criteria will be put before cabinet in February 2013.

In developing a new scheme the council has made every attempt to design out the failings of the old which was introduced many years ago by district councils, working in isolation. Since then service delivery by Wiltshire Council has changed significantly and Wiltshire residents need a local system of targeted support. The new scheme will hopefully deliver this by being more informed and unified to ensure that the customer receives the most appropriate service.

Furthermore, it is recognised that this is just the first in a seines of changes to welfare provision. It is likely that the qualifying criteria and design of the DHP scheme will continue to develop over time,

through wider consultation and ongoing review of case load and the analysis of applications in order to better understand and measure need and local demand.

#### **Communicate what has happened:**

- This impact Analysis will be published alongside the policy document on the councils website
- Awareness sessions are currently taking place amongst stakeholders and other council departments
- The DWP will be delivering a national campaign of awareness as well as signposting customers

#### **Review your decision:**

- The scheme will be reviewed quarterly by senior managers