

Appendix C

Equality Analysis for Discretionary
Council Tax Reduction Scheme

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| Name of service/policy/project/decision to undergo equality analysis: |
| Discretionary Council Tax Reduction Scheme |
| Key contact person and others involved:- Julie Higinbotham, Benefits and Investigations Manager Ian Brown, Head of Revenues and Benefits |
| Date completed: December 2014 |
| Review date (at least annually): January 2016 |
| Identify aims: |
| <p>The Welfare Reform Act 2012 ended the provision of the national council tax benefit scheme for working aged claimants. A national scheme still exists for those of pensionable age, the determinants and parameters set nationally and updated each year. For those of pensionable age the scheme can reduce a claimants council tax liability to zero. Under the rules determined, partly by consultation, the local (means tested) scheme offers up to an 80% reduction in council tax bills. The only exception is where the claimant is entitled to Disability Living allowance (DLA) or the Care Component of Employment Support Allowance (ESA). In these cases up to 100% reduction can be awarded.</p> <p>The scheme has been operating for 18 months and it is evident that a small number of residents are struggling to find the find additional council tax that they have been asked to pay and the purpose of the discretionary scheme is to enable awards to be made to those in financial hardship and where pursuit of the council tax may result in additional financial burden on the council in terms of rent arrears, eviction, homelessness or hunger. There is no national funding for the scheme however case law and evidence of best practice is highlighting the need for councils to use their discretion under the provision of Section 13a of the Local Government Finance Act 1992 to reduce council tax in exceptional cases.</p> |
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| <p>Discretionary Housing Payment will be available to all Wiltshire residents who are entitled to council tax reduction. 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 organizations that can provide appropriate help and support.</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.

Whilst we do not have evidence of historic spend on which to base the scheme, the numbers involved and the sums awarded have not been significant. Generally this has been due to the historic generosity of the scheme and the fact that the scheme had kept in line with the cost of living in Wiltshire. However there is growing evidence of the extent of council tax debt owed by those in receipt of council tax reduction and the impact even a 20% contribution is having on some households who may have debts outstanding for many years.

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

The service is available to anyone residing in the county who is in receipt of council tax reduction 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.

This new scheme aims to provide:

- Support for key groups, affected by welfare reform rather than just a means tested award
- Access to other support packages that go beyond addressing the immediate crisis but rather helps people to help themselves, by accessing other funds and information that may be more appropriate.
- Local access routes
- Easier application process but with stricter eligibility criteria, determining level or extent of award up to a maximum of £2,000.

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

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 welfare reform and specifically the benefit cap (which imports a bias against cultures predisposed to large families), or by the under occupancy charge (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.

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 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.

Age

In reviewing local data in respect of similar discretionary awards made during 2012/13 the following table illustrates that customers of pensionable received far lower rates of award. However those of pensionable age are better protected by the council tax reduction regulations which will take effect from 1st April 2013 than those of working age, who will bear the full impact. Both a minimum contribution towards council and the under occupancy charge will not apply to any household where the resident is of pensionable age.

Discretionary Housing Awards based on Age in 2012-13

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|------------------------|-----|
| 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.

Genderreassignment

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.

Sexualorientation

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 protected 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 andCivil 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 andMaternity

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/SocioEconomic/Disadvantagedgroups

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 those most affected by welfare reform.

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 2015.

In developing a new scheme it was recognized that 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 another in a series of changes to welfare provision. It is likely that the qualifying criteria and design of the DCTR 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.

- This impact Analysis will be published alongside the policy document on the council's website
- Awareness sessions are currently taking place amongst stakeholders and other council departments
- The council will be working with the DWP in terms of a Delivery Partnerships Agreement (DPA) which will include budgeting support will to those who may need help claiming both national and local welfare benefits. This scheme forms part of the range of services that will be available and delivered by the local authority, in conjunction with the DWP and voluntary sector to those in deprived socio-economic groups.

Reviewing your Decision

- The scheme will be reviewed quarterly by senior managers