



Blackburn with Darwen **NHS**
Teaching Care Trust Plus

Equality Analysis and Impact Assessment Tool

Council Tax – Reducing empty property and second homes discounts and introducing a premium charge

What is equality analysis?

Staff in the Care Trust Plus and the Council are responsible for making a wide range of decisions. This spans decisions about overarching policies and setting budgets to day-to-day decisions which affect specific individuals. Equality analysis is a way of considering the effect on different groups protected from discrimination by the Equality Act 2010, such as people of different ages.

There are two reasons for this:

- to consider if there are any unintended consequences for some groups
- to consider if the policy will be fully effective for all target groups.

The equality analysis and impact assessment involves using equality information, and the results of engagement with protected groups and others, to understand the actual effect or the potential effect of your functions, policies or decisions. It can help you to identify practical steps to tackle any negative effects or discrimination, to advance equality and to foster good relations.

Case law under the race, disability and gender equality duties established that equality impact assessments are an important way that public authorities can be sure that they are meeting their general duty legal obligations. Equality impact assessments should be completed **PRIOR** to a policy decision being made and should be clearly documented as they are a useful means for demonstrating compliance to a Court.

Like the previous duties, the new equality duty means taking a proportionate approach to equality analysis. This means taking an approach that is suitable to your size, resources and functions and to the importance of the policy to equality and good relations.

Under the new equality duty, public authorities such as the Care Trust Plus and Council need to be able to show that they have had **due regard** to the aims set out in the general equality duty:

Aim 1 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010

Aim 2 Advance equality of opportunity between people who share a protected characteristic and those who do not

Aim 3 Foster good relations between people who share protected characteristics and those who do not

What should be analysed?

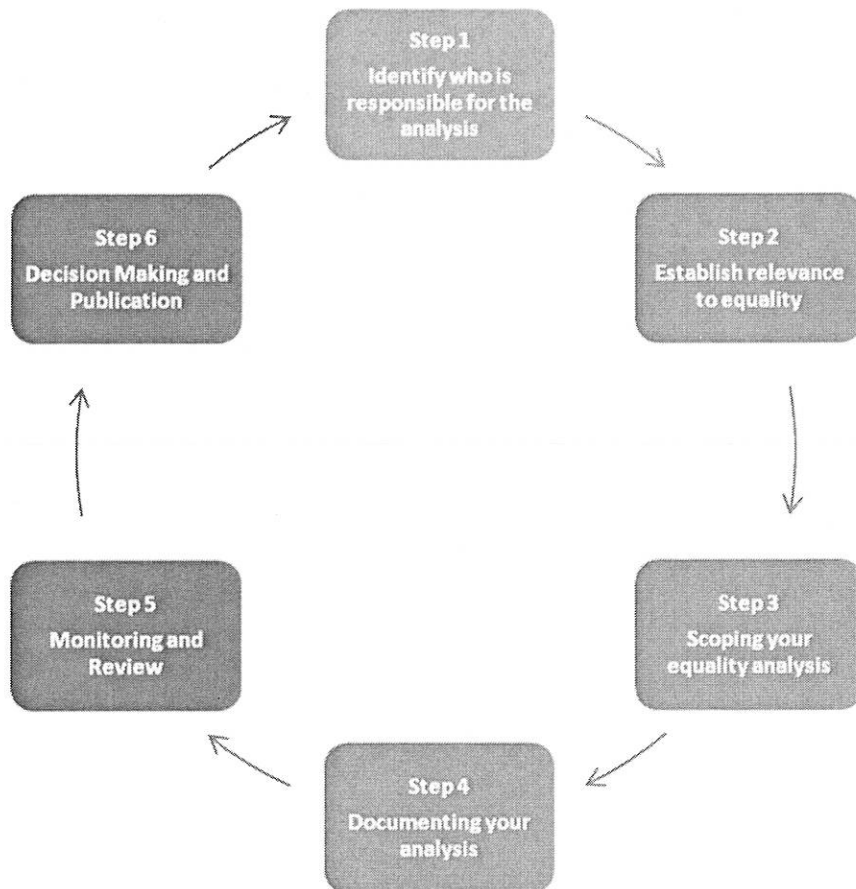
The term 'policy' is used throughout as shorthand for what needs to be analysed. Policy needs to be understood broadly to embrace the full range of your policies, practices, activities and decisions: essentially everything you do, whether it is formally written down or whether it is informal custom and practice. This includes your existing policies and any new policies under development. Any key policy decision that alters the service needs to have an equality impact assessment completed.

As employees of the Care Trust Plus and Council you will also need to analyse the effect on equality of how a policy is implemented by your organisation when it has originally been developed outside of your organisation. This could mean a policy or strategy developed by a government department e.g. Department of Health, Department of Education, Department of Work and Pensions, The Strategic Health Authority, a Local Authority, another NHS Trust which the Care Trust Plus is adopting or an executive agency.

This principle also applies when implementing a decision over which you have no direct control. For example, when implementing cuts to funding decided elsewhere, you will still be able to consider mitigating measures or alternative ways of doing things to minimise the impact on services and equality/protected groups. **(The Astraea Protocol set out on page 13 of the Guidance document is useful for this purpose).**

Remember that having due regard across all of our functions may also involve analysing the effect on equality of a number of decisions that are made together, for example when conducting a major review of services, developing Commissioning Policies and Principles. This would mean ensuring that you have sufficient relevant information to understand the cumulative effect of all of these decisions.

Six Steps to carrying out Equality Analysis and Impact Assessment



Steps 1 & 2 - Establish the relevance to equality and protected groups

- **Complete section 1** – ensure you consult the right people, identify how you have consulted with them and document which protected groups you have consulted with.
- **Complete Section 2** – identifying the aims and objectives of the analysis and assessment

Step 3 - Scope your equality analysis and impact assessment

- **Identify what equality data is available** to support you and if there are any gaps e.g. service user data, demographic data, public health prevalence, workforce profiles, health needs assessments, complaints and comments, other equality analysis and impact assessment, judicial review findings etc.
- **Do your Human Rights Screening**
- **Consider community cohesion**

Step 4 - Analysing your equality information

- **Complete section 3** – ensure you include and reference all the evidence you have considered as part of the analysis
- **Ask – what will happen, or not happen if we do things this way?**
Remember that equality analysis is not just about identifying and removing any negative effects or discriminatory decisions or practice but is about demonstrating **DUE REGARD** to advancing equality of opportunity and fostering good relations.
- **Ensure your decision regarding the extent of the impact includes:**
 - i. how you arrived at that decision and
 - ii. how you have shown **DUE REGARD** to the equality duty aims

Step 4 - Document the findings of the analysis

- **No change** – the analysis shows the policy is robust and evidence shows no potential for discrimination
- **Adjust the policy** – take steps to remove barriers or to better advance equality – **complete the action plan**
- **Continue the policy** – adopt your proposals despite any adverse effect or missed opportunities – **DOCUMENT the RISK ASSESSMENT** (CTP goes on risk register and to IGC for assurance. BwD Council goes to MAF, SMT and Corporate Equality & Diversity Group). **Complete the action plan.**
- **Stop and remove the policy** – the adverse effects and risk are not justified and cannot be mitigated.

Step 5 - Monitoring and review – identify

- **How you will measure** the effects of the policy once it is implemented
- **When the policy will be reviewed** and what might trigger an earlier review e.g. policy change
- **Who will be responsible** for monitoring and reviewing the policy and the equality analysis action plan if in place
- **What type of information** is needed to undertake the monitoring and review and how often will it be analysed
- **How will you engage stakeholders** in implementing, monitoring and reviewing the policy?

Step 6 - Decision making and publication

- a. **Borough Council** - Send your completed Impact Assessment to the Cohesion and Equalities Manager in line with corporate protocol which is available on the BwD Council's online Policy Hub
- b. **Care Trust Plus** – send your completed Impact Assessments to the Diversity and Equality Manager for Scrutiny in line with the Trust EIA Policy
- c. **Equality analysis** is on-going and should be carried out as part of the on-going policy review.
- d. **All analysis decisions should be published on the Trust/Council Website**

Section 1: Details

Please provide as much information as possible

Manager or Sponsoring Directors Name:	Director Finance
Department/Directorate:	Finance
Service:	Revenues, Benefits and Customer Services
Assessment Lead:	Andrew Ormerod
Telephone:	01254 273737
E-mail:	Andrew.Ormerod@Capita.co.uk
Who else will be involved in undertaking the equality analysis and impact assessment:	Jodene Bibby
Who are you involving and consulting with?	<p>Under the provision of the Local Government Act 1992, and Statutory Instruments 2003 No.3011 and 2005 No.416, Local Authorities have the power to reduce or remove discounts where a property is unoccupied. Such a change can be introduced to the whole or only part of the Borough.</p> <p>The Local Government Act 2012 allows for the charging of a premium rate for properties that have been empty for over 2 years. The premium can be up to 150% of the Council Tax band assigned to the property.</p> <p>There is a duty to publish a notice of 21 days in the local paper of the decision being taken. Previous experience would indicate however that communication should be issued over a 2 month period prior to the commencement of the change.</p> <p>The introduction of a change to the level of discounts awarded to empty properties would have a direct impact of the work undertaken by Capita. In addition to the increase customer contact and processing work required, such a change would have fundamental impact on the Capita Incentive Scheme.</p>
How are you consulting with people from different Protected Characteristics?	As above.

Who does the policy or decision being made impact upon?	Service Users	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly
	Carers or family	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly
	General Public	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly
	Staff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly
	Partner organisations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly
Signature:	Date:			

Section 2: What is being analysed and assessed?

Name of 'activity':

Council Tax – decreasing discounts for empty properties and second homes and introducing a premium charge.

Implementation date 1/4/13

How was the need for the 'activity' identified?

After reviewing the Council Tax database, it has been identified that there are currently 1,624 unoccupied properties receiving a 50% discount within the Borough, of which, 770 properties have been empty for over 12 months. A further 50 properties are currently categorised as second homes.

How is the activity meeting that need?

Under the provision of the Local Government Act 1992, and Statutory Instruments 2003 No.3011 and 2005 No.416, Local Authorities have the power to reduce or remove discounts where a property is unoccupied. Such a change can be introduced to the whole or only part of the Borough.

The Local Government Act 2012 allows for the charging of a premium rate for properties that have been empty for over 2 years. The premium can be up to 150% of the Council Tax band assigned to the property.

At present Blackburn with Darwen BC do not take advantage of the discretion and after an initial period of statutory exemption award 50% discount to all unoccupied properties and second homes (empty furnished homes).

What is the activity looking to achieve?
 What are the aims and objectives?

By using the discretionary powers available to the Council, it would be possible following the expiration of the relevant exemption to amend the discount awards currently granted to empty properties. It would also be possible to levy a premium charge on properties that have been empty for 2 years or more.

If the Council introduced a full charge for empty properties following the cessation of the exemption, the estimated additional Council Tax collected would be:

Long Term empty properties – an additional £630,000
 Second Homes – an additional £16,800
 Premium charge – an additional £244,860

Breakdown of empty properties by ward:
 NB. Excludes second homes

Ward	No. of empty properties	Ward	No. of empty properties
Audley	96	Meadowhead	36
Bastwell	79	Mill Hill	128
Beardwood	57	North Turton & Tockholes	59
Corporation Park	109	Queens Park	79
Earcroft	58	Roe Lee	66
East Rural	24	Shadsworth with Whitebirk	65
Ewood	68	Shear Brow	89
Fernhurst	38	Sudell	111
Higher Croft	38	Sunnyhurst	109
Little Harwood	69	Wensley Fold	88
Livesey with Pleasington	37	Whitehall	59
Marsh House	62		

Services currently provided: Council Tax Collection

Recommendations following change in service:
 (Please outline recommendations that have been identified for implementation following a review of the activity).

For the Council to introduce a full charge for empty properties following the cessation of the exemption. To notify Council Tax payers of a change to the empty property policy over a 2 month period prior to the commencement of the change

Section 3: Equality Analysis and Impact Assessment

Does the 'activity' have the potential to:	Group	Positive (Y/N)	Negative (Y/N)	Don't know	Reasons for positive / negative impact – (Please include all evidence you have considered as part of your analysis)
<ul style="list-style-type: none"> Have a positive impact (benefit) on any of the groups? Explain how 	Age	N	Y		<p>Where a property is left unoccupied following the death of the liable party, the property is exempt from Council Tax for six months from the date of death, or the date of probate. Under the new proposals where a property remains furnished after the expiry of the exemption it will be charged as a second home, incurring a full charge. It is expected that this scenario will lead to a number of complaints and challenges.</p> <p>The Council Tax team will use discretion in respect of how to recover the debts, particularly against the elderly to minimise the impact on vulnerable groups.</p> <p>The increased Council Tax collected will benefit the whole of the Borough.</p>
<ul style="list-style-type: none"> Have a negative impact / exclude / discriminate against any person or group? Explain how this was identified? 	Disability	N	N		
Evidence/ Consultation?	Marriage & Civil Partnership	N	N		
<u>Guidance</u>	Pregnancy and maternity	N	N		
Please refer to the guidance notes	Race	N	N		
NB: Requires (existing or new) consultation with	Religion or belief	N	N		
	Sex	N	N		
	Sexual	N	N		

<p>'relevant' people who are from these groups or who have knowledge insight into these groups.</p> <p>N.B. Marriage & CP is only protected in terms of work-related activities NOT service provision (please refer to guidance notes)</p>	orientation					
	Gender reassignment	N	N			
	Vulnerable Groups	N	Y			<p>A further exemption that could cause concern is where a property is vacated by a person to receive care, for example entry into a nursing home. This type of case could result in a number of complaints and challenges.</p> <p>The Council Tax team will use discretion in respect of how to recover the debts to minimise the impact on vulnerable groups.</p> <p>The increased Council Tax collected will benefit the whole of the Borough.</p>
	Deprived Communities	N	N			
<p>If no negative impacts have been identified -please explain why</p>	Carers	N	N			
	Other (please state)	N	Y			<p>A change of this nature would have a profound impact on house builders and developers within the Borough. Whilst it could be argued that this change is a risk of development, other groups and scenarios are also affected.</p>
	House builders and developers					<p>The increased Council Tax collected will benefit the whole of the Borough.</p>
						<p>Guidance</p> <p>A lack of negative impacts must be justified with evidence and clear reasons. Highlight how the policy negates any possible negative impacts.</p>

<p>Does the 'activity' raise any issues for Community Cohesion?</p> <p>Does the 'activity' contribute positively to Community Cohesion?</p>	<p>None.</p>	<p><u>Guidance</u></p> <p>See the Guidance notes If the policy positively impacts some groups and negatively impacts or overlooks other sections of the community, what effect will this have on the relationship between these groups? How will you manage this relationship?</p> <p>If the policy will make a positive contribution to relations between sections of the community please outline them.</p>
<p>Does the 'activity' raise any issues in relation to Human Rights as set out in the Human Rights Act 1998?</p>	<p>None.</p>	<p><u>Guidance</u></p> <p>See the Guidance Notes</p> <p>It is important to note that if the decision removes or engages a persons absolute rights the policy/decision will need to be changed.</p> <p>Where it is a Limited or Qualified Right the decision needs to be proportional and legal.</p>

<p>What is the overall cost of implementing the 'activity'?</p>	<p>Cost & Source(s) of funding</p> <p>Additional resources would be required to deal with initial contact and the additional recovery action required for collection of the debt.</p>	<p>Input cost e.g. Financial investment, HR, to realise and achieve benefits of the activity</p> <p>Source – e.g. specific funding stream, pooled budget or mainstream budget</p>
<p>What are the benefits?</p> <p>What targets/indicators will be used to measure these?</p> <p><i>For example</i></p> <ul style="list-style-type: none"> ❖ <i>National Indicators</i> ❖ <i>Equality Framework - LA</i> ❖ <i>Local Indicators</i> ❖ <i>BVPI's</i> ❖ <i>EPIT – Equality Tool for NHS</i> <p><i>Care Quality Commission (CQC) Outcomes</i></p>	<p>Benefit</p> <p>Additional Council Tax levied and collected.</p> <p>The increased Council Tax collected will benefit the whole of the Borough.</p> <p>Incentive to bring properties back into use.</p>	<p>Indicator</p>
<p>Impact Assessment Risk Score See Appendix 1</p>	<p>Score: 4</p>	<p>Actions to minimise risk: The introduction will be managed as part of the annual billing project. The project will include a communication section and provide regular highlight reports.</p>

<p>Action following analysis:</p> <p><u>Guidance</u></p> <p>See page 4 above.</p> <p><i>It is important that the correct option is chosen depending on the findings of the analysis.</i></p> <p><i>The action plan and risk assessment must be completed as required.</i></p>	<p><i>No major change in policy</i></p>	<p><i>Adjust policy</i></p>	<p><i>Continue Policy.</i></p>
<p><i>No major change in policy</i></p>	<p><i>Adjust policy</i></p>	<p><i>Continue policy</i></p>	<p><i>Continue Policy.</i></p>
<p><i>Stop and reconsider policy</i></p>	<p><i>Stop and reconsider policy</i></p>	<p><i>Stop and reconsider policy</i></p>	<p><i>Stop and reconsider policy</i></p>

Section 4: Action Plan

What is the negative/adverse impact?	Risk Score		Actions required to reduce/eliminate the negative impact	Resources required* (see guidance note below)	Who will lead on action?	Target completion date
	Current	target				
Age	9	4	Communication should be issued over a 2 month period prior to the commencement of the change.	Resources for mailshot provided by despatching firm. All other resources provided by current establishment . Additional work will be undertaken at a quiet period within the year, i.e. Feb	Andrew Ormerod	March 2012
Vulnerable Groups	9	4	Communication should be issued over a 2 month period prior to the commencement of the change.	Resources for mailshot provided by despatching firm. All other resources provided by current establishment . Additional work will be undertaken at a quiet period within the year, i.e. Feb	Andrew Ormerod	March 2012

House builders /developers	6	4		Resources for mailshot provided by despatching firm. All other resources provided by current establishment . Additional work will be undertaken at a quiet period within the year, i.e. Feb	Andrew Ormerod	March 2012
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* 'resources required' is asking for a summary of the costs that are needed to implement the changes to mitigate the negative impacts identified.

Section 5: Monitoring and Review

Monitoring

The responsibility for establishing and maintaining the monitoring arrangements of the EIA action plan lies with the service completing the EIA. These arrangements should be built into the performance management framework.

The Impact Assessment action plan will also be visible at a corporate level through the scrutiny and sign off of the EIA summary by the Equality and Cohesion Manager.

Monitoring arrangements for Impact Assessments and there subsequent action plans will be achieved at a strategic level, through the Management Accountability Framework (MAF), carried out by all Heads of Service in the Borough Council and through the Strategic Equality and Diversity Group in the Care Trust Plus.

Please describe briefly, how the action plan will be monitored?

E.g.

Via MAF,

Monitored by departmental E&D group

Strategic D&E Group – NHS

The action plan will be monitored via MAF on a quarterly basis.

By monitoring the collection fund.

By reduction in empty properties.



Review

The responsibility for establishing and maintaining the review arrangements of the Impact Assessment and the action plan lies with the service completing the Impact Assessment.

Date of the next review of the Impact Assessment?
It should be reviewed at least every three years to meet legislative requirements

The Impact Assessment will next be reviewed in March 2012.

<p>How often will the EIA action plan be reviewed? E.g. Quarterly as part of MAF or as part of D&E Strategy Group in NHS</p>	<p>Quarterly as part of the MAF.</p>	
<p>Who will carry out this review?</p>	<p>Andrew Ormerod and Jodene Bibby.</p>	
<p>References (websites, journals, reports etc)</p>	<p>Local Government Act 1992, and Statutory Instruments 2003 No.3011 and 2005 No.416</p>	<p>Please identify additional sources of information you have accessed to complete the EIA.</p>

<p>Signature of person completing the impact assessment:</p>	 <p>BwD Borough Council Impact Assessment</p> <p>Signature of Cohesion and Equalities Manager:</p>
<p>Date Completed:</p>	<p>Date received:</p>
<p>Signature of Head of Service / Directorate Lead:</p>	 <p>Impact Assessment</p> <p>Signature of Diversity & Equality Manager:</p>
<p>Date Completed:</p>	<p>Date received:</p>

**Appendix I - Impact Assessment Risk Grading
Impact (severity) score**

Score	Description	Example Descriptors
5	Catastrophic	<ul style="list-style-type: none"> • Inability to deliver a number of corporate objectives • Major disruption to a number of critical services • Huge financial loss >£500K
4	Major	<ul style="list-style-type: none"> • Inability to deliver one of the corporate objectives • Major disruption to important services • Major financial loss £100K – £500K
3	Moderate	<ul style="list-style-type: none"> • Severe problems in delivering corporate objectives • Significant disruption to important services • Moderate financial loss £25K – £100K
2	Minor	<ul style="list-style-type: none"> • Minor problems in delivering corporate objectives • Minor disruption to delivery of service • Some financial loss £10k – £25K
1	Negligible	<ul style="list-style-type: none"> • Minor problems in delivering corporate objectives • Very little disruption to normal service • Very little financial loss <£10K

2 – Likelihood score

Score	Description	Example Descriptors
5	Almost certain	<ul style="list-style-type: none"> Happens frequently in the organisation Almost certain to occur in the next 12 months
4	Likely	<ul style="list-style-type: none"> Occurs at least annually There is a strong possibility that it will happen in the next 12 months
3	Possible	<ul style="list-style-type: none"> Occurs once a year in the organisation There is a possibility that it will occur in the future
2	Unlikely	<ul style="list-style-type: none"> Do not expect it to happen in the near future Has occurred in the past
1	Very Unlikely	<ul style="list-style-type: none"> Do not believe it will happen in the short / medium term Has never occurred in the past

Impact x Likelihood = Total risk score and rating

	IMPACT					
	Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5	
LIKELIHOOD	Almost Certain 5	5	10	15	20	25
	Likely 4	4	8	12	16	20
	Possible 3	3	6	9	12	15
	Unlikely 2	2	4	6	8	10
	Very Unlikely 1	1	2	3	4	5

IMPACT ASSESSMENT CHECKLIST

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics

This document contains a number of questions/prompts to assist team leaders and managers to ensure they have met the necessary requirement to complete Equality Impact Assessments.

NB: Policy/strategy/procedures/services/projects/functions commissioning or decommissioning decision will be referred to as 'activity' throughout the document.

	Checklist Area/Question	Yes/No/ Unsure
1.	Section 1: Details	
	Has all the data been completed including signature of sponsoring Director/Manager?	YES
	Have you included information on the consultation process and who you have consulted with including: <ul style="list-style-type: none"> ▪ Service users from a range of protected characteristic groups ▪ Staff side/Unions where applicable ▪ Employees where applicable 	N/A
	Who are the stake holders - have you identified who is impacted upon and whether the impact is direct or indirect?	YES
2.	Section 2 – Aims and objectives	
	Have you clearly identified the activity you are analysing?	YES
	Have you set out clearly how the need arose and how the activity you are analysing meets that need?	YES
	Have you identified what the aims and objectives of the activity you are analysing are?	YES
	Have you highlighted what services are currently provided and any recommendations that have arose following review(s)?	YRD

Section 3 – Impact Assessment		
3.	Have you considered how your activity will impact on all protected groups including minority and vulnerable groups? (Useful prompts and supporting material available in guidance notes).	YES
	Does the activity promote equal opportunities?	N/A
	Have you included evidence to support your reasons for the decision for each protected group?	SOME N/A
	Where there is evidence of indirect discrimination in relation to any protected groups or direct discrimination arising from Disability have you provided sufficient evidence to justify continuance to a court of law, Judicial review or Employment Tribunal?	N/A
	Where no negative impacts have been identified for each characteristic, have you justified the outcome?	N/A
	Have you considered Community Cohesion issues and included evidence and reason for decision?	YES
	Have you undertaken the Human Rights Screening and where applicable considered alternative approaches to minimize detrimental engagement of peoples human rights?	NO
	Have you identified the overall costs of implementing the activity and included this in the impact assessment? (including time, role, workload and costs)	YES
	Have you identified what the benefits are and how these will be measured e.g. equality of outcomes for different protected groups?	YES
	Have you undertaken the risk assessment and included the score and rationale?	YES
	Have you identified what action will be taken with the policy and why following the analysis?	YES
	Have the proposals identified mitigation strategies – especially for changes that impact specifically on vulnerable communities and protected groups?	YES
	Have the proposals included specific measures to compensate for any reduction in the level of public sector service provision by identifying ways in which remaining public services can strengthen the community's capacity and assets?	N/A
	Have all potential opportunities arising from the proposed changes been fully identified and realized?	YES
	Have the proposals identified ways in which these might be quantified and monitored?	YES

	Have you reviewed other significant efficiencies, disinvestments, cuts and service re-designs to public services registered locally and assessed the likely 'whole system impacts' of the changes proposed?	N/A
	Have you registered your change?	YES
	If your impact assessment is related to disinvestment in relation to Voluntary and Community Services (VCS) have you reviewed the existing contracts register to see what 'whole system' effect your additional decision may have?	N/A
	Have you taken the impact of disinvestment in VCS fully into account and have you identified any mitigation strategy that will enable the VCS organization to continue its work?	N/A
4.	Section 4 – Action Plan	
	Have you moved all identified negative impacts to the Action Plan template and identified the current and target risk score?	YES
	Have you identified actions to reduce or remove the negative impact?	YES
	Have you identified all resources required including: <ul style="list-style-type: none"> ▪ Financial ▪ Training ▪ And Human resources 	YES
5	Section 5 – Monitoring and Review	
	Have you identified how the action plan will be monitored?	YES
	Have you identified when it will be reviewed and who will be responsible for this review?	YES
	Has the Impact Assessment been signed by the person completing the impact assessment?	YES
	Has the Impact Assessment been signed by the head of service / directorate lead?	YES

NB: Supporting literature and useful questions are supplied within the EIA Guidance to assist managers and team leaders to complete all EIAs.