

Revenues and Benefits Policies EqIA

3 February 2015

Jeremy Beake

This is an Equality Impact Assessment of the Revenues and Benefits policies. Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

The duty to pay 'due regard' is required to be demonstrated in the decision making and the implementation process. Assessing the potential equality impact of proposed projects that are part of the programme is the means by which we show 'due regard'.

1. The Decision

There are six policies under consideration. These cover the areas of:

- Discretionary Housing Payments Policy
- Housing Benefit Local Scheme (Disregard of War Pensions) Policy
- Supported Exempt Accommodation Policy
- Local Welfare Provision Policy
- Discretionary Council Tax Reduction Fund Policy
- Non Domestic Rates (NDR) - Discretionary Rate Relief Guidelines

Whilst these represent discrete areas of work and follow national guidelines taken together they represent the local articulation of the main areas of welfare provision and discretionary relief for which a local policies are required.

2. Key Issues

2.1 Discretionary Housing Payments Policy

The Discretionary Housing Payments [DHP] scheme provides all Councils with discretion to top up the Housing Benefit statutory schemes.

Every customer who is entitled to the minimum amount of Housing Benefit (HB) / Universal Credit Housing Element rental costs (UCHE-r) and requires additional financial help with housing costs that cannot be met by statutory schemes, is entitled to make a request for help.

Milton Keynes Council is committed to working with organisations in the local voluntary sector, who are key partners in working with our communities, and landlords who are an important asset in providing homes in Milton Keynes.

The purpose of this policy is to specify how Milton Keynes Council will operate the scheme and to indicate some of the factors that will be taken into account when considering if a DHP can be made. Each case will be treated strictly on its merits, to treat all customers equally and fairly.

2.2 Housing Benefit Local Scheme (Disregard of War Pensions) Policy

The Housing Benefits scheme provides support with housing costs to people on low incomes. The Discretionary Local Scheme enhances the level of support available to those disabled in armed service and the widows and widowers of those killed in service.

It could sensibly be argued that this advances equality of opportunity for people according to age as it removes a barrier of post 1973 War Widows and brings them into line with pre-1973 widows.

There are no further issues relevant to equality.

2.3 Supported Exempt Accommodation Policy

Exempt Accommodation is an individual dwelling for which a person is liable to make payments, that they occupy as their home and which is

- A resettlement place provided by persons to whom the Secretary of State has given assistance by way of grant pursuant to section 30 of the Jobseekers Act 1995 (grants for resettlement places), **or**
- Provided by a non-metropolitan county council in England, a housing association, a registered charity or voluntary organization where that body or person acting on behalf *also provides the claimant with care, support or supervision.*

The purpose is to ensure that the rents of certain non profit making groups who are involved in providing specialist supported accommodation with care, support or supervision to residents were protected from being subject to rent restriction under the maximum rent rules.

This protection is designed to ensure that HB will continue to meet rents at levels that reflect higher costs of providing this type of accommodation, balanced against the requirement to restrict levels by comparison with suitable alternatives.

All types of exempt accommodation – provided by a charity or voluntary organization that is not an RSL, must be referred to The Rent Service (TRS). The Rent Officer Decision (ROD) may influence any rent restriction the LA may make, but does not determine the maximum rent and thereby the eligible rent.

This policy not only meets the legal requirements and follows guidelines, in relation to decisions on what is a reasonable rent by comparison to suitable alternatives.

The definition of ‘exempt accommodation’ claims relies on the landlord being responsible for providing care, support or supervision to the tenant. The older requirement that this provision should be linked to the landlord does not sit well with wider policies on independent living. The Government’s Independent Living

Strategy states that independent living includes having choice and control over the assistance and/or equipment that disabled people need to go about their daily lives. To support this, the strategy includes the promotion of increased personalisation of support, for example through individual budgets and direct payments. This allows, for example, individuals to recruit and employ a personal assistant directly, should they have funding, for example through the Independent Living Fund.

Where there is suitable alternative accommodation, rents may be restricted by reference to the costs of the alternative accommodation in some circumstances. The Council can also restrict rents where insufficient justification is provided for charges, for example if a cleaning charge for communal areas was included but there was not evidence that this cleaning was in place.

Are there people who need care or support and have more expensive housing costs who are not currently covered by the definition of 'exempt accommodation'?

There is not thought to be an issue in this area. However monitoring of those who are may be slipping through the 'exempt accommodation' safety net is needed. For example, where an individual in PRS accommodation has an occasional need for a carer to sleep over, this would not be reflected in their LHA rate – they would not receive an amount to cover an additional bedroom. People who need additional space, for example to house health-related equipment such as breathing apparatus might not be in accommodation meeting 'exempt accommodation' regulations. There is, however, scope for discretionary housing payments (DHP) to help meet additional costs for such individuals

2.4 Local Welfare Provision Policy

The Council will consider making a LWP award to applicants who meet the qualifying criteria, as specified in this policy, providing sufficient funding from the Government grant for this purpose is available at the time of the Council's decision.

The difficulty with all analysis of the scheme is it is unclear what the older schemes achieved. The parliamentary impact assessment only provided numbers. It is likely that some local people will be adversely affected however this policy must be consider in terms of the whole suite of policies.

The council is therefore making adjustments to meet the main concerns for the advancement of equality. An LWP award will normally be an urgent, one off provision used as a short term fix to prevent a long term problem, and we will seek to:

- prevent serious risk to the health, well being or safety of the area's most financially excluded residents;
- ease severe financial pressure on families in certain situations;

- help those, without the necessary means, to either establish themselves in the community as a transition from care or prison or to remain in their community;
- give flexible financial help to those in genuine need.

2.5 Discretionary Council Tax Reduction Fund Policy

This policy has receive four major EqIA which found areas of adjustment and consideration. See these EqIA for more details.

2.6 Non Domestic Rates (NDR) - Discretionary Rate Relief Guidelines

There is a concern about relief given to a charitable or religious organisation who uses their building for other purposes. The policy is vague in so many places. This may create a situation where an organisation questions the judgement of the council. Monitoring will be necessary to ensure that decisions are based on a clear understanding of the term religious.

3. Recommendation

Where relevant, the changes will positively advance equality through providing adjustments that will meet longer-term needs. There are some small concerns over the judgements that are involved in these policies and it will be for the service to show, through monitoring, that it has been fair and equitable.