

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	Creating a Scottish Discretionary Housing Payment scheme	
<b>Minister</b>	Cabinet Secretary for Social Justice, Shirley-Anne Somerville	
<b>Lead official</b>	Nicole Pettigrew	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	Nicole Pettigrew Andrew Weild Leigh Tominey	Housing Affordability team
<b>Directorate: Division: Team</b>	Directorate for Local Government and Housing, Better Homes, Homelessness Unit, Housing Affordability team.	
<b>Is this new policy or revision to an existing policy?</b>	Revision to an existing policy.	

### Screening

#### *Policy Aim*

Responsibility for the Discretionary Housing Payment (DHP) scheme was devolved in 2017 and provisions reframing the scheme for a Scottish context were included in the Social Security (Scotland) Act 2018 (the “2018 Act”). These provisions are as yet uncommenced. At present the DHP scheme in Scotland continues to be regulated by the Discretionary Financial Assistance Regulations 2001 (the “DFA Regs”).

The devolution of the DHP scheme was intended to give Scottish Ministers control of the scheme in Scotland. The proposed actions will not greatly alter the purpose of the extant scheme, which is to assist households who require further financial assistance in order to meet housing costs, but will enable ministers to use the scheme in a way that more effectively reduces poverty, safeguards tenancies and prevents homelessness in Scotland.

At present, Scottish local authorities need to have regard to the UK DFA Regs. A move to the 2018 Act will allow some of the flexibilities that the reframing of the scheme for Scotland was intended to create. Of particular note are flexibilities to reduce local authority administrative burden for the mitigations ministers wish to see delivered in full (at this time, bedroom tax

and benefit cap), by giving local authorities more discretion over application processing. The 2018 Act also gives flexibilities around the definition of housing costs. Specifically, these flexibilities can be used to give local authorities additional discretion to make larger payments in certain benefit cap cases, thereby more closely meeting ministers' wishes to mitigate the benefit cap in full.

At present local authorities consult DWP-issued guidance as well as separate policy notes from the Scottish Government. Bringing DHPs under the full control of Scottish Ministers will allow them to issue a Scottish statutory DHP guidance manual, bringing together, in one place, all policy instruction from the Scottish Government. This guidance can be more specific about how the DHP scheme is used in Scotland and be worded to reduce ambiguity where the scheme's intentions differ from that in the rest of the UK. For example, in Scotland the DHP scheme is used to fully mitigate some UK Government welfare reforms to better target support to low-income households.

The policy will contribute to three of Scotland's National Outcomes: 1) Children and Young People, 2) Communities and 3) Poverty.

The Children and Young People National Outcome states that children's life chances should be enhanced through early year's provision and by supporting families when they need it. Families are frequently affected by the welfare cuts the DHP scheme aims to mitigate, and particularly by the benefit cap. Among households affected by the benefit cap, 99% are families with over 8,900 children among them. Using further flexibilities in DHP administration, and more fully mitigating the benefit cap, will help contribute to a life free of poverty and hunger, which is part of the National Outcomes vision.

The vision of the Communities National Outcome is that our communities are pleasant places to live where everyone has a warm, appropriate, efficient and affordable home, and that we are careful to ensure no-one lives in poverty. By better supporting the lowest-income families through DHPs, we are ensuring that people can afford their housing costs and maintain their tenancies.

The Poverty National Outcome states that we tackle poverty by sharing wealth more equally, with a commitment to eradicating poverty and hunger in Scotland. Giving Ministers more flexibilities in how DHPs are targeted to the lowest income families will contribute directly to this, reducing poverty, safeguarding tenancies, and reducing poverty-related homelessness.

### ***Who will it affect?***

Welfare cuts disproportionately affect those on low incomes. The DHP scheme aims to mitigate some of the cuts made by the UK Government. The bedroom tax is a UK government welfare policy where tenants living in social housing with rooms deemed to be "spare" have a reduction in their benefits.

The policy was introduced as part of the Welfare Reform Act 2012. Creating a Scottish DHP Scheme allows the continuing full mitigation of the bedroom tax, helping 92,000 households sustain their tenancies.

In cases of separated parents who share care of their child/ren, only one of the parents can receive child benefits for the child and therefore only that parent is allowed a bedroom for that child. This means that the other parent may be impacted by the bedroom tax. However, as bedroom tax is fully mitigated in Scotland, separated parents are not penalised for having a bedroom for their child.

Poverty affects a wide range of families with a variety of protected characteristics. However, almost 90% of all children in poverty in Scotland live within the six priority family types: lone parent families, minority ethnic families, families with a disabled member, families with a child under one, families with a young mother (<25) and larger families (3+ children)<sup>1</sup>.

In Scotland 99% of all households affected by the benefit cap are families, and 74% are lone parent families. In 2019, there were approximately 144,000 lone-parent families with dependent children in Scotland, and 92% of lone parents are women<sup>2</sup>. Mitigating the benefit cap could help up to over 2,500 families, with over 8,900 children meet their housing costs.

Children from low income families will be affected by the proposal. In particular, those from the priority family types, as they are more likely than average to be in absolute poverty: “36% children in lone parent families, 34% children in minority ethnic families, 24% children in families with a disabled person, 49% children in families with younger mothers, 30% children in families with a child under one, and 32% children in families with three or more children are in absolute poverty. 8% of children who are in none of the priority groups are in absolute poverty.”<sup>3</sup>

### ***What might prevent the desired outcomes being achieved?***

The ongoing migration of housing benefit cases (administered by local authorities) to universal credit (administered by DWP) means the methods of identifying eligible individuals may need to adapt.

In housing benefit cases, DWP shares all the necessary contact information, benefits and benefit reduction data with local authorities. In universal credit

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<sup>1</sup> [Opportunity/Challenge 5: Deliver greater progress towards meeting statutory child poverty targets - Resource Spending Review: Equality and Fairer Scotland Statement - gov.scot \(www.gov.scot\)](#)

<sup>2</sup> [Child Poverty in Scotland: priority groups - lone-parent families \(healthscotland.scot\)](#)

<sup>3</sup> [Poverty rates amongst priority family types - Tackling child poverty priority families overview - gov.scot \(www.gov.scot\)](#)

cases this is not automatic and relies on the affected individual being included in the Council Tax Reduction (CTR) scheme data sharing agreement. While the CTR data share will include many eligible individuals, other methods will also be needed to ensure fuller coverage. However, local authorities are already very well mitigating the bedroom tax, so other methods are possible.

In many cases social landlords are able to facilitate, particularly in relation to bedroom tax mitigation, which we expect to remain very high. Where an individual has had their benefits capped, particularly where their full rent is being paid direct to the landlord, other methods of identifying those eligible may be needed.

The Scottish Government is working with local authorities to identify best practice with regard to identifying individuals affected by benefits cuts. In particular a DHP practitioner's forum has been established where local authorities can share methods and approaches with each other. Successes have been achieved by ensuring poverty-reduction, income-maximisation and benefits advice services are all aware of the eligibility and uses of DHPs.

We are also liaising with Social Security Scotland and DWP about making sure other points of contact with benefits claimants also become opportunities to make them aware of the DHP scheme and its purposes. Third sector partners have also been helpful in raising awareness further through their advice and support services.

## **Stage 1: Framing**

### ***Results of framing exercise***

Discussions on this policy have been held internally with colleagues within the Homelessness Unit. It has also been consulted on with external stakeholders from COSLA, local authorities and third sector organisations such as Child Poverty Action Group. Throughout these detailed discussions, there have been no concerns raised around any form of discrimination, intended or unintended, against any of the protected characteristics. When reviewing the policy, we considered it against the three needs of the public sector equality duty and came to the following conclusions:

- advance equality of opportunity; this policy has the potential to bring people above the poverty line, giving children and priority families greater opportunities to succeed in education, the workplace and have better outcomes in health and life expectancies. The policy will particularly improve the equality of opportunities for children and young people, women and minority ethnic groups, where higher levels of poverty persist.
- eliminate unlawful discrimination; as above, there are particular groups who tend to be the hardest hit by U.K. government welfare changes, namely lone parents, who are mainly women, and large families. Bringing in a fully Scottish DHP scheme will give LAs more flexibility in

how they support their communities including fuller mitigation of the benefit cap. We hope that this will give people more financial stability, allowing them to live more comfortable lives free from discrimination.

- foster good community relations; this policy will encourage greater interaction between local authorities and groups within the community, which may help build better community relations. Furthermore, the more financially comfortable families are the easier they may find it to integrate better with society through their children attending local clubs and partaking in other activities within the community.

It was agreed throughout discussions on creating a Scottish DHP scheme that the impact of it on protected characteristics could only be positive. We will aim to maximise the positive impact on people affected by the benefit cap by targeting communications and uptake efforts. There are no instances in which any of the protected characteristics will be negatively impacted by the policy. During initial discussions we became aware that there are particular groups who are hardest hit by the benefit cap, we therefore focussed our research on these groups. We also ensured that we looked for any evidence around the impacts of the benefit cap on all other protected characteristics to ensure that we were not merely assuming there would be no negative impacts. There is a lack of data when it comes to the benefit cap and sexual orientation, religion and beliefs and gender reassignment. However, we do not believe that any further research is required as should these individuals fall under any of the priority family types – mainly large families with lone parents – then the policy will be beneficial to them.

### ***Extent/Level of EQIA required***

This is an expansion to an existing policy, bring a UK-wide DHP scheme into a fully Scottish scheme. There are not extensive changes being made to the policy, only small amendments to make the policy work better for Scottish communities. Benefit cap mitigation was touched upon during the Tackling Child Poverty plan EqIA in March, in which significant discrimination was ruled out and SG officials completed an EqIA for the benefit cap mitigation policy last year in which significant discrimination was again ruled out. Throughout our own research, and in consultation with stakeholders, no discrimination toward any of the protected characteristics was found in this policy. Therefore, we do not believe that a full EqIA with an extensive consultation process is necessary at this time as there are no negative impacts.

## Stage 2: Data and evidence gathering, involvement and consultation

Characteristic <sup>4</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<p><b>AGE</b></p>	<p>Supreme Court judges have criticised the Government’s benefit cap for breaching international law on the rights of children. However, the Court declined to overturn the controversial policy, leaving the issue to be settled “<i>in the political, rather than the legal arena</i>”.</p> <p>In 2017-20, after housing costs are accounted for, 28% of young people, 17% of 35-44 year olds and 15% of pensioners in Scotland were living in relative poverty.</p> <p>In 2020-21, the employment rate for young people aged 16-24 was around 25 percentage points lower than the overall population.</p> <p>Young mothers are less likely to be in paid work and young people in general are also more likely to earn less than the real living wage.</p> <p>We know that young people are less likely to have experience navigating complex social security systems and can face barriers in accessing support services. These barriers and inequalities are more prevalent when a person</p>	<p><a href="#">Benefit cap breaches children’s rights, says Supreme Court   CPAG</a></p> <p><a href="#">Temporary Accommodation - Homelessness in Scotland: 2020 to 2021 - gov.scot (www.gov.scot)</a></p> <p><a href="#">Scotland's Labour Market: People, Places and Regions - Statistics from the Annual Population Survey 2020/21 - gov.scot (www.gov.scot)</a></p> <p><a href="https://www.gov.scot/publications/annual-survey-of-hours-and-earnings-2021/">https://www.gov.scot/publications/annual-survey-of-hours-and-earnings-2021/</a></p> <p><a href="#">Tackling child poverty priority families overview - gov.scot (www.gov.scot)</a></p>	

<sup>4</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

	<p>belongs to more than one protected characteristic or priority family group.</p> <p>Mothers under 20 are considerably more reliant on state benefits and tax credits than older mothers, making them disproportionately impacted by cuts or changes to eligibility criteria in benefits or support services</p>	<p><a href="http://www.gov.scot">Tackling child poverty priority families overview - gov.scot (www.gov.scot)</a></p>	
<b>DISABILITY</b>	N/A	N/A	
<b>SEX</b>	<p>Child Poverty Action Group (CPAG) have evidence that the benefit cap disproportionately affects single mothers with children. This is especially the case if the women are homeless or victims of domestic violence so find it difficult to avoid the cap by moving home, budgeting or going into employment.</p> <p>The benefit cap affects a higher number of women than men. That is because the majority of non-working households receiving the highest levels of benefits are single parent households, and most single parents are women.</p> <p>Lone parents are more likely to experience poverty than those in a couple; 49 per cent of children in lone-parent families are in poverty.</p> <p>The vast majority (92%) of lone parents are women and the</p>	<p><a href="#">Benefit cap – CPAG intervention – R(SG and others) v SSWP formerly JS and others   CPAG</a></p> <p><a href="#">Case summary: The benefit cap and human rights   Just Fair</a></p> <p><a href="#">Who is at risk of poverty?   CPAG</a></p> <p><a href="#">Child Poverty in Scotland: priority</a></p>	<p>Estimates for single fathers are not available due to small sample sizes.</p>

	<p>majority (65%) are in employment.</p> <p>We know that there is a strong relationship between domestic abuse and poverty, particularly for women. In 2018-19, in 82% of all incidents of domestic abuse where gender information was recorded by the police, the victim was a woman and the accused was a man.</p> <p>Victims of domestic and financial abuse are less likely to engage with services and, therefore, may not have the same equality of access to this policy as others might.</p> <p>Social rented households in Scotland in 2017 had a higher proportion of woman highest income householders (54%) than private rented households (43%), households with the property bought with a mortgage (33%) and households where the property was owned outright (39%).</p> <p>Women make up the largest group of social renters in the UK due to lower incomes and complexities with homelessness.</p>	<p><a href="http://healthscotland.scot">groups - lone-parent families (healthscotland.scot)</a></p> <p><a href="http://www.gov.scot">Key Points - Domestic abuse: statistics recorded by the police in Scotland - 2018/19 - gov.scot (www.gov.scot)</a></p> <p>In conversation with colleagues at Citizen's Advice Scotland</p> <p><a href="http://www.gov.scot">Housing to 2040 and the Protected Characteristics - Housing to 2040: equalities position statement - gov.scot (www.gov.scot)</a></p> <p><a href="#">SWBG-Housing-Report.pdf</a></p>	
<p><b>PREGNANCY AND MATERNITY</b></p>	<p>Pregnancy brings a period of sudden increased financial pressure and sustained money worries have been reported following a birth of a baby, increasing a risk of child poverty. This includes additional heating costs, buying formula and food, nappies, clothes and providing</p>	<p><a href="http://gcph.co.uk">Project Title (gcph.co.uk)</a></p>	



	<p>for the needs of older children. We know that families with a new child are more likely to enter poverty and the birth of a new baby can result in those who are close to the poverty line falling below it.</p> <p>Households with children aged 0-4 are at high risk of poverty and the risk, is much higher when the youngest child is aged less than one year old.</p> <p>Young mothers are less likely to be in work when their first child is 10 months old and tend to have lower educational levels than older mothers when their first child is born, which can impact on their career prospects.</p> <p>We know that when young mothers are in work, they are more likely to earn a low income and more likely to receive social security entitlements.</p>	<p><a href="http://www.gov.scot/Information/Policy/ChildPoverty/TacklingChildPovertyDeliveryPlan2018-2022Annex3.aspx">Tackling child poverty delivery plan 2018-2022: annex 3 - gov.scot (www.gov.scot)</a></p> <p><a href="http://www.gov.scot/Information/Policy/ChildPoverty/EveryChildEveryChanceTheTacklingChildPovertyDeliveryPlan2018-2022Annex3EqualityImpactAssessment.aspx">Every Child, Every Chance: The Tackling Child Poverty Delivery Plan 2018-22: Annex 3 – Equality Impact Assessment (www.gov.scot)</a></p> <p><a href="http://www.gov.scot/Information/Policy/ChildPoverty/EveryChildEveryChanceTheTacklingChildPovertyDeliveryPlan2018-2022Annex3EqualityImpactAssessment.aspx">Every Child, Every Chance: The Tackling Child Poverty Delivery Plan 2018-22: Annex 3 – Equality Impact Assessment (www.gov.scot)</a></p>	
<p><b>GENDER REASSIGNMENT</b></p>	<p>Research carried out in Scotland showed 82% of transgender young people had experienced bullying in school on the grounds of being LGB or T and 68% stated this has negatively affected their educational attainment. 27% of trans young people left education as a result of homophobia, biphobia or transphobia in the learning environment. This can negatively impact their future career plans and skills.</p>	<p>Dr.Lough Dennell, B.L, Anderson, G. and McDonnell, D. (2018) <i>Life in Scotland LGBT Young People</i>. LGBT Youth Scotland.</p>	

<p><b>SEXUAL ORIENTATION</b></p>	<p>LGBT people are more likely to live in deprived areas in Scotland (27% lived in the most deprived quantile compared with 19% of heterosexual adults).</p> <p>In 2018, people who identified as 'LGB and other' were twice as likely to be unemployed compared to those who identified as 'heterosexual' (4% versus 2%).</p>	<p><a href="#">Sexual Orientation in Scotland 2017: A Summary of the Evidence Base</a></p> <p><a href="#">Scottish Surveys Core Questions 2019</a></p>	
<p><b>RACE</b></p>	<p>Minority ethnic families<sup>5</sup> are most at risk of child poverty (38% of children in minority ethnic families were in relative poverty in 2017-20 compared to 24% of all children in Scotland) and families from some minority ethnic groups are more likely to have three or more children, putting them at higher risk of child poverty.</p> <p>Minority ethnic workers are more likely to earn low incomes compared to the white population.</p> <p>People with multiple protected characteristics (e.g. someone from a minority ethnic group who is disabled) can face heightened barriers to employment. In 2019, data shows that a non-disabled white person is more than twice as likely to be in employment than a disabled minority ethnic person.</p>	<p><a href="#">Poverty and Income Inequality in Scotland 2017-20 (data.gov.scot)</a></p> <p><a href="#">If not now, when? - Social Renewal Advisory Board report: January 2021 - gov.scot (www.gov.scot)</a></p> <p><a href="#">Fairer Scotland for disabled people - employment action plan: progress report - year 2 - gov.scot (www.gov.scot)</a></p>	

<sup>5</sup> Minority ethnic statistics include white minority ethnic populations

	<p>Some minority ethnic groups have a lower acceptance rate for social security applications in Scotland than white applicants. Overall, the proportion of clients approved was highest for 'Mixed or multiple ethnic groups' (78%), followed by 'African' (77%), 'White' (76%) and 'Prefer not to say' (76%). Approval rate was lowest for clients identifying as 'Other ethnic group' (69%), followed by 'Asian' (71%) and 'Caribbean or Black' (74%).</p> <p>Evidence suggests there are particular barriers faced by minority ethnic communities, such as lack of awareness regarding the benefits available to them, difficulty accessing services or interacting with them – for example due to cultural or language barriers, where English might not be spoken or well understood, but also due to continued structural barriers that are compounded by discrimination and racism faced by minority ethnic people, which can cause trust issues.</p> <p>As minority ethnic families tend to be larger, they may be disproportionately penalised by the two-child limit that applies to UK Governments Universal Credit and Child Tax Credit. Such policies enable and embed inequalities experienced by these communities.</p>	<p><a href="#">Social Security Scotland client diversity and equalities analysis - December 2020 to May 2021</a></p> <p>Tackling Child Poverty EQIA</p> <p>Tackling Child Poverty EQIA</p>	
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	<p>The 2011 Census data showed that Gypsy/Traveller communities were more likely to be from a priority family group – (larger families, minority ethnic, with a lone parent). Gypsy/Travellers are more likely to be in irregular work, economically inactive and be unbanked.</p> <p>Policy changes such as the benefit cap and the two-child limit have also led to a disproportionate increase in child poverty among ethnic minority children (this suggests that minority ethnic families are more likely to have larger families).</p>	<p><a href="#">Introduction - Gypsy/Travellers in Scotland - A Comprehensive Analysis of the 2011 Census - gov.scot (www.gov.scot)</a></p> <p>O Khan, The 2015 Budget: effects on Black and minority ethnic people, Runnymede Trust, 2015</p>	
<p><b>RELIGION OR BELIEF</b></p>	<p>Although there is relatively limited evidence around religion, employment and poverty, the available data for this group tells us that in 2015-20 relative poverty rates were considerably higher for Muslim adults (52%) compared to adults overall (18%).</p> <p>Approval rate for devolved benefits varies among religions, but among the most represented groups there was less variation in December 2020 to May 2021 than in the previous reporting period. Among the most well represented groups, approval rate was highest for those with no religion (77%), followed by Roman Catholic (75%), Muslim (75%), Church of Scotland (74%), and Other Christian (74%). Overall approval rates remained particularly low for Hindu clients (51%), with Jewish clients (61%), Sikh clients (68%) and Buddhist</p>	<p><a href="#">Poverty and Income Inequality in Scotland 2017-20 (data.gov.scot)</a></p> <p><a href="#">Social Security Scotland client diversity and equalities analysis - December 2020 to May 2021</a></p>	

	clients (70%) also having relatively low approval rates.		
<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>	<p>Lone parents are more likely to be in poverty (38% of children in lone parent families were in relative poverty in 2017-20 vs 24% of all children). In addition, 40% of children in lone parent families in relative poverty also have a disabled family member, which amplifies barriers to overcome poverty.</p> <p>Lone parent households have higher fuel costs than all households with children in Scotland and spend more of their household income on food. Lone parents are the household type that is most likely to be financial vulnerable and in unmanageable debt and are less likely to have savings in comparison to all households with children.</p>	<p><a href="http://www.gov.scot/resources/consultations-policies/child-poverty/priority-families-overview">Tackling child poverty priority families overview - gov.scot (www.gov.scot)</a></p> <p><a href="http://www.gov.scot/resources/consultations-policies/child-poverty/second-year-progress-report-annex-c">Costs of living - Tackling child poverty: second year progress report - annex C - gov.scot (www.gov.scot)</a></p>	

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

**Do you think that the policy impacts on people because of their age?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	x			Children and young people making up the largest portion of those in poverty and also those impacted by the benefit cap in Scotland. Although any DHP payments will go directly to parents and carers, this should have a positive impact on the children and young people in the household. In addition to this, young parents and young mothers more specifically are more likely to be in vulnerable situations financially and the policy will also help them. The bedroom tax only affects individuals of working age. Individuals of pension age are exempt. Therefore, mitigating bedroom tax means all age groups receive equal housing support through the benefit system.
Advancing equality of opportunity	x			As above, this policy will have positive impacts on children and young people. Having more financial income can help them to live more comfortably, eat more healthily and have better outcomes in education, which in-turn should advance equality of opportunities in life.
Promoting good relations among and between different age groups	x			The policy equalises the treatment of working-age and pension-age individuals in relation to bedroom tax. Among those classed as working-age, the policy change is open to everyone who is entitled to a DHP and is not intended or expected to directly or indirectly impact on the interactions among and between different age groups.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination,			x	The main changes in the policy are surrounding the benefit cap and the bedroom tax. People with disabilities are mostly exempt from both of these.

harassment and victimisation				Therefore, we do not expect that the policy changes will have any significant further impact (positive or negative) on people with disabilities, beyond that of the currently existing scheme. The existing scheme provides a safety net in such cases as where an individual needs an extra bedroom, but does not meet the DWP qualification criteria.
Advancing equality of opportunity			x	As above.
Promoting good relations among and between disabled and non-disabled people			x	As above.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	x			74% of the families impacted by the benefit cap are lone parents and women make up 92% of lone parents in Scotland, therefore the benefit cap disproportionately affects single mothers with children. This is especially the case if the women are homeless or victims of domestic violence so find it difficult to avoid the cap by moving home, budgeting or going into employment. Creating a Scottish DHP scheme will allow LAs to better support people hit by the benefit cap.  Bedroom tax mitigation supports tenants of social housing, the majority of which are women (54% in 2017).
Advancing equality of opportunity	x			As above, as women are the hardest hit by UK welfare reforms such as the benefit cap, mitigating it and expanding the scope of what DHPs can do will allow women to support their families with more ease by taking away some of the financial burden. It may also financially allow them to get into

				employment if they are not already, when they are ready to do so.
Promoting good relations between men and women	x			The policy change is open to everyone and is not intended or expected to directly or indirectly impact on the interactions of relations between men and women.

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	x			Families with a new child are more likely to enter poverty and the birth of a new baby can result in those who are close to the poverty line falling below. This policy may help keep families with young children above the poverty line.
Advancing equality of opportunity	x			Young mothers and their children are more likely to experience social adversity, stigmatisation and disengagement with education or employment. Further mitigating UK Government welfare changes and supporting people through DHPs will provide these vulnerable families with more money, which could help in reversing these negative impacts of poverty, advancing their equality of opportunities in life.
Promoting good relations	x			The policy change is open to everyone who is entitled to a DHP and is not intended or expected to directly or indirectly on promoting good relations.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	This policy does not have a particular focus on individuals who have or are undergoing gender reassignment so is unlikely to have any impact.
Advancing equality of opportunity			x	This policy does not have a particular focus on individuals who have or are undergoing gender reassignment so is unlikely to have any impact.



Promoting good relations			x	This policy does not have a particular focus on individuals who have or are undergoing gender reassignment so is unlikely to have any impact.
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**Do you think that the policy impacts on people because of their sexual orientation?**

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	This policy does not have a particular focus on sexual orientation, so is unlikely to have any impact.
Advancing equality of opportunity			x	This policy does not have a particular focus on sexual orientation, so is unlikely to have any impact.
Promoting good relations			x	This policy does not have a particular focus on sexual orientation, so is unlikely to have any impact.

**Do you think the policy impacts on people on the grounds of their race?**

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	x			Evidence showed that some minority ethnic groups have a lower acceptance rate for social security in Scotland. The Scottish DHP scheme will remove the requirement for a formal application and financial assessment for the mitigations Scottish Ministers wish to see applied universally. Doing so should make payments more routine and reduce the chance of discrimination in the process.
Advancing equality of opportunity	x			We hope that in giving LAs the chance to be part of the guidance development and working with third sector organisations, they will be able to serve their communities better. This could include helping to spread awareness of DHPs to hard-to-reach groups such as minority ethnic communities where there is sometimes a lack of awareness regarding benefits they are entitled to as well as cultural and/or language barriers when applying.
Promoting good race relations			x	The policy change is open to everyone who is entitled to a DHP and is not intended or expected to directly or indirectly on promoting good race relations.

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**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	This policy does not have a particular focus on religion or belief so is unlikely to have a direct impact.
Advancing equality of opportunity			x	This policy does not have a particular focus on religion or belief so is unlikely to have a direct impact.
Promoting good relations			x	This policy does not have a particular focus on religion or belief so is unlikely to have a direct impact.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>6</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination				NA – policy does not relate to work/HR etc.

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<sup>6</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

Have positive or negative impacts been identified for any of the equality groups?	All impacts on each of the equality groups are either positive or neutral.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>7</sup> ?	The policy aim does not directly or indirectly discriminate against any group. The policy will be applied to everyone in the same way, anyone who is eligible for a DHP (claims Housing Benefit or the housing element of Universal Credit) can benefit from the policy change. No-one will have their DHP support removed or reduced by the policy changes.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

### *Describing how Equality Impact analysis has shaped the policy making process*

This policy seeks to mitigate UK Government welfare cuts which the Scottish Government views as creating inequality. Scottish Ministers wish to see some UK government welfare cuts mitigated as fully as possible and will provide full funding to do that. The new DHP guidance document sets out how fully mitigating bedroom tax and benefit cap contributes to the Scottish Government-Local Government shared missions of homelessness-prevention, poverty reduction, and particularly child poverty reduction. The separate funding settlement makes clear that local authorities will be fully recompensed for their spending on bedroom tax and benefit cap. The guidance also makes suggestions for certain priority groups local authorities may wish to assist through DHPs with a rationale for how this further assistance will meet these missions.

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<sup>7</sup> See EQIA – Setting the Scene for further information on the legislation.

Colleagues from the Directorate for Tackling Child Poverty and Social Justice have helped develop sections of the guidance outlining how DHPs can help in the Scottish Government-Local Authority joint mission to tackle child poverty; one of three shared priority areas set out in the Verity House Agreement. The guidance describes the six priority family types and discusses some specific critical points where families may face increased financial pressure: We know that in Scotland 99% of all households hit by the benefit cap are families, and 74% are lone parent families. On average, the benefit cap takes away nearly £2,500 per household per year. Mitigating the benefit cap through DHPs will help up to 2,500 families, with over 8,900 children, meet their housing costs.

Feedback from the Directorate for Justice, Violence Against Women and Girls Unit has informed language around domestic abuse and wider forms of violence against women and girls (as set out in Scotland's Equally Safe Strategy), as well as human trafficking and commercial sexual exploitation.

The Child Poverty Action Group has supplied useful case studies from DHP-claimants, which have helped clarify wording in the guidance.

## ***Monitoring and Review***

SG officials hold four-monthly DHP practitioner group meetings where they will speak to LAs about how well they are managing to reach the intended beneficiaries of the scheme. Methods of client-identification and the Scottish guidance manual will be evaluated and best practice shared.

Local authorities return a breakdown of spending data twice yearly which will be assessed against Scottish Fiscal Commission forecasts. Under- and over-spends will be addressed, and, if necessary, steps taken to balance pressures between LAs.

Spending data on the different purposes of DHPs will be compared against national DWP data on benefits payments and benefits cuts to estimate the coverage of the scheme among those it is aiming to assist.

Regular correspondence with stakeholders third sector organisations will allow us to hear how the policy is being rolled out and the impacts of it from the view point of those on the front-line, as well as clients.

## **Stage 5 - Authorisation of EQIA**

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:
  - Eliminating unlawful discrimination, harassment, victimisation;
  - Removing or minimising any barriers and/or disadvantages;
  - Taking steps which assist with promoting equality and meeting people's different needs;
  - Encouraging participation (e.g. in public life)
  - Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## Declaration

**I am satisfied with the equality impact assessment that has been undertaken for Creating a Scottish Discretionary Housing Payment scheme and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: Alice Hall**

**Position: Deputy Director**

**Authorisation date: 19th February 2024**