



Derby City Council

# **Equality impact assessment form**

**Directorate: Organisation and Governance**

**Service area: Revenues, Benefits and Exchequer Services**

**Name of policy, strategy, review or function being assessed:  
Housing Benefit Overpayment Recovery Policy**

**Date of assessment: 7 December 2016**

**Signed off by:**

**Cabinet, Personnel Committee or Chief Officer Group's decision:  
Due 8 February 2017**

**Date published on website:**

**Derby...** *Achieving*

## Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t.

Having ‘due regard’ means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you

may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

### **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls

- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

## **Contact for help**

Ann Webster – Lead on Equality and Diversity

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## **The form**

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

## **What’s the name of the policy you are assessing?**

Housing Benefit Overpayment Recovery Policy

## **The assessment team**

Team leader’s name and job title – Dawn Hallsworth, Benefits Transition Manager

Other team members

<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Brian Ruane	Benefits Team Leader	Derby City Council	Overpayment recovery
Beverley Parks	Benefits Manager	Derby City Council	Benefits
John Massey	Head of Revenues, Benefits and Exchequer Service	Derby City Council	Head of Service
Celia Grantham	Senior money advisor – Derby Advice	Derby City Council	Money advice for customers
Pam Thompson	Engagement Officer – Diverse Communities	Derby City Council	Diversity
Som Bhalla		Diversity Forum	Equalities

## **Step 1 – setting the scene**

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

### **1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

This policy is to set out the options open to the Council to collect Housing Benefit Overpayment Recovery debt.

The Policy's aim is to ensure that the Council:

- Minimises overpayments when raised;
- Takes timely recovery action when necessary and where appropriate;
- Meets all statutory requirements;
- Maintains a balance between effective recovery of debt and avoiding causing financial hardship;
- Meets budgetary requirements by maximising recovery.

This policy links to all Council plans because without sufficient revenue the Council cannot deliver key services to citizens, communities and businesses across the City.

**2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

All Benefits staff responsible for the raising and recovery of Housing Benefit overpayments.

Legal services (via appropriate enforcement action)

External collection agencies

Department for Work and Pensions (via attachments of benefit)

Employers (via attachments of earnings)

**3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

Housing Benefit claimants

Derby Homes

Registered social landlords

Private landlords

Legal Services

Collection agencies

Department for Work and Pensions

## **Step 2 – collecting information and assessing impact**

- 4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**



Derby Advice and a representative from the Diversity Forum were consulted during an EIA meeting on 7 December 2016.

The Policy will be reviewed by Chief Officer Group on 10 January 2017.

The Policy will be considered by Council Cabinet on 8 February 2017, including due scrutiny.

- 5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure.**

<b>Equality groups</b>	<b>What do you already know?</b>	<b>No impact</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Not sure</b>
<b>Age</b>	<p>Many older people do not have internet access to use online services.</p> <p>To address this, there are a diverse number of payment methods such as Pay Point, over the telephone payments and self-service cash kiosks at the Council House, as well as payment over the internet.</p> <p>Changes in circumstances can be reported in a number of ways, including in writing. When changes are reported by phone, where necessary, the advisor will prepare a written statement for the claimant to sign.</p> <p>Customers requirements are handled appropriately, on a case by case basis where needed.</p>		X		
<b>Disability</b>	<p>Particular types of income can denote customers who are likely to have disability related needs.</p> <p>Customers can request reasonable adjustments in that information is provided in alternative formats.. This is flagged on our computer system and we will continue to use those alternative formats going forward so those customers receive</p>		X		

	information from using the method that best meets their needs.				
<b>Gender reassignment - trans</b>	Some trans people face barriers when asking for help on the phone, by people assuming a particular gender by their voice. We have online equality training which covers this – the training is mandatory and there is also support from Derbyshire LGBT+.		X		
<b>Marriage and civil partnership</b>	No adverse implications identified.		X		
<b>Pregnancy and maternity</b>	Pregnancy is a time of vulnerability. The Policy identifies debtors who are pregnant as being vulnerable, and actions to be taken.		X		
<b>Race</b>	Many people whose first language is not English can struggle to access services. This will be addressed by working with representatives of the community on the Derby Diversity Forum to raise awareness of: (a) The importance of reporting changes in circumstances, and (b) The services on offer to facilitate a smooth recovery process where necessary. This will assist with the cascading of		X		

	<p>information to potentially affected communities.</p> <p>We also can provide interpretation and translation services, including telephone interpreting through our contractor the Big Word.</p>				
<b>Religion or belief or none</b>	We will be mindful of religious beliefs when scheduling meetings.		X		
<b>Sex</b>	No adverse implications identified.		X		
<b>Sexual Orientation</b>	Some people face barriers when asking for help We have online LGBTequality training for all our employees to make sure they offer a sensitive service - – the training is mandatory. We also have strong links with Derbyshire LGBT+ to advise us on LGBT issues		X		
<b>Families and people on low income</b>	<p>Families may find themselves in debt; however, the Policy offers mitigating processes to those who engage with the help available. This includes being able to submit financial statements to seek reduced repayment terms, and the principles in the Fair Repayment Promise.</p>		X		

**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

- 6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

1. The Council's Fair Repayment Promise will be reviewed to ensure that it remains fit for purpose.
2. The Council's website will be updated with relevant money advice service information.
3. Relevant money advice service information will be promoted in the Council Tax booklet when annual bills are sent out.
4. The same criteria to identify vulnerable people will be used in this Policy to align with the Council Tax Recovery, Business Rates Recovery and Sundry Debt Recovery Policies, to ensure consistency and equitable treatment of all customers.
5. Where possible, the Council may use debt profiling information to target communications and promotional work about the importance of reporting changes in circumstances.
6. Awareness training will be conducted by Derby Advice for the Diversity Forum and other advisory groups as required, to promote awareness of claimants' responsibilities in terms of reporting changes in circumstances.

### Step 3 – deciding on the outcome

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>	<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>	<b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>	<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

One

Why did you come to this decision?

No adverse implications have been identified for any equality groups.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

#### **Step 4 – equality action plan – setting targets and monitoring**

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

### Equality action plan – setting targets and monitoring

<b>What are we going to do to advance equality?</b>	<b>How are we going to do it?</b>	<b>When will we do it?</b>	<b>What difference will this make?</b>	<b>Lead officer</b>	<b>Monitoring arrangements</b>
1. The Council's Fair Repayment Promise will be reviewed to ensure that it remains fit for purpose.	Derby Advice	March 2017	Ensures the Fair Repayment Promise remains fit for purposes.	Celia Grantham	Yearly review
2. The Council's website will be updated with relevant money advice service information.	Benefits staff to liaise with Derby Advice to agree the content and who updates the website.	March 2017	Ensures accurate information is available to help customers who have money problems.	Beverley Parks	Ongoing review as appropriate
3. Relevant money advice service information will be promoted in the Council Tax booklet when annual bills are sent out.	Information to be included in the annual billing literature.	February / March 2017	Ensures accurate information is available to help customers who have money problems.	Dawn Hallsworth	One off action
4. The same criteria to identify vulnerable people will be used in this Policy to align with the Council Tax Recovery, Business Rates Recovery and Sundry Debt Recovery Policies, to ensure consistency and	By using the same criteria.	February 2017	Ensures consistency and equitable treatment of debtors.	John Massey	Policy will be reviewed annually



equitable treatment of all customers.					
5. Where possible the Council may use debt profiling information to target communications and promotional work about the importance of reporting changes in circumstances.	Using existing intelligence.	September 2017	Enables proactive communications and activities to be targeted to minimise the likelihood of overpayments being raised.	Brian Ruane	Yearly review and refresh.
6. Awareness training will be conducted by Derby Advice for the Diversity Forum and other advisory groups as required, to promote awareness of claimants' responsibilities in terms of reporting changes in circumstances.	Training can be delivered by Derby Advice	As required	Raises awareness about claimants' responsibilities to report changes in circumstances.	Derby Advice	N/A

**Make sure you include these actions in your Directorate service business plans.**