

# Equality Impact Assessment

## Part 1: Screening

When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: [www.northampton.gov.uk/equality](http://www.northampton.gov.uk/equality). A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

<b>1 Name of policy/activity/project/practice</b>	This is:
Recovery of unpaid overpayment of housing benefit	Existing policy/activity/practice

<b>2. Screening undertaken (please complete as appropriate)</b>	
Director or Head of Service	Robin Bates
Lead Officer for developing the policy/activity/practice	Mary Swanston – Revs and Bens Team Leader
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	

<p><b>3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.</b></p> <p>Is it linked to NBC’s Corporate Plan? Service Plan? Other?</p> <p><b>Please explain:</b></p> <p>There is a statutory duty to consider the recovery of recoverable HB/CTB overpayments and the council aims to maximise income due to the Authority and ensure sound financial management of public funds.</p> <p>This will entail the review all HB Overpayment debt currently in recovery from ongoing benefit, alongside maximising the collection of HB debt upon reaching the sundry debt system.</p> <p>It is in the interests of both NBC and all residents/businesses that debt and arrears are kept to a minimum. Unpaid debt is a financial cost to NBC that affects the ability to provide high</p>
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quality services to the public.

The aim of the function is to recover HB overpayments in full within the scope of the Council's Corporate Debt Policy and other relevant NBC policies and guidelines, with an emphasis on equity and fairness.

#### **4 Relevance to Equality and Diversity Duties**

Is it linked to NBC's Single Equality Scheme? NBC's Public Sector Duties? Equality Framework Criteria? Service or departmental equality priorities?

**Please explain:**

Recovery efforts impact on all strands of the community, but economically disadvantaged people form the main group of people who incur debt with the council. National research also reveals that disabled people face particular difficulties in getting employment, despite the DDA and can often end up in poverty. This is added to by the additional costs of living as a disabled person.

Vulnerable people, for example, those with mental health problems, learning difficulties, dependency issues or care leavers are also at particular risk of falling into debt.

**Are there any aspects, including how it is delivered, or accessed, that could contribute to inequalities? (This should relate to all areas including Human Rights.)**

**No**

**Please explain:**

As indicated above, the council's Benefit Service places a great emphasis on recovering debt with equity and fairness, with a further corporate emphasis on generally reducing debt and overpayments levels.

Some needs have already been identified on a corporate basis – we have interpretation services available either via staff members or Language Line. Written translations are available into a number of community languages and documents can be put into Braille and other formats on request. Minicom is available for use and online facilities such as on-line payment and account checking are available.

NBC's Housing Division can offer vulnerable tenants direct support and assistance and will work closely with partner agencies, e.g. the community health service, social services or the leaving care team to enable vulnerable tenants to successfully maintain their tenancy. NBC also offers a general debt management service to the public and visiting officers can also visit customers in their homes if required. They can assist with benefit take-up by encouraging people to claim their maximum welfare benefit entitlements.

Both the CAB and CLS have been consulted in relation to good practice and the recovery of Benefit Overpayments.

## 5 Evidence Base for Screening

List the evidence sources you have used to make this assessment (i.e. the *known evidence*)  
(e.g. Index of Multiple Deprivation, workforce data, population statistics, any relevant reports, customer surveys, equality monitoring data for the service area.)

A single view of debtor is available alongside reports relating to total indebtedness to the Council, age analysis of debt, stage that debt sits at within recovery. Reports have been run to identify the total likely increase in collection as a result of the MTP.

DWP/National Audit Office report - Management of Benefit Overpayment Debt.

Credit and debt in low-income families – report by the Joseph Rowntree Foundation.

Various DWP Overpayment recovery good practice guidance material and circulars.

**Are there any significant gaps in the known evidence base? If so what are your recommendations for how and by when those gaps will be filled?**

No

## 6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at [www.northampton.gov.uk/equality](http://www.northampton.gov.uk/equality))

**Will there be/has there been consultation with all interested parties?**

**Yes**

There has been consultation with the Housing Division regarding the recovery of former tenant arrears.

There has been consultation with the CAB, Community Law Service and Registered Social Landlords regarding the recovery of Benefit overpayments.

There has been consultation with the DWP/LGA regarding overpayment recovery best practice.

**Are proposed actions necessary and proportionate to the desired outcomes?**

**Yes**

**Please explain:**

The review of corporate debt recovery (including recovery efforts in relation to HB Overpayments) is, in essence, an internal process looking at issues such as resource allocation, structure, effective use of technology, etc with the ultimate aim of further improving the efficiency and effectiveness of recovery efforts. All debtors will continue to be served with equity and fairness.

**Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?**

**Yes**

**Please explain:**

Claimants can appeal against any aspect of the overpayment, from the decision on recoverability to the means employed to recover the debt, etc. If still dissatisfied with the council's response, customers can seek address with the LGO.

**Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?**

**Yes**

**Please explain:**

Adherence to Good Practice means that decisions regarding debt recovery are made having due regard to the individual circumstances of the case. Officers are empowered to use discretion regarding the recovery rate, for example, if the customer is experiencing hardship. Correspondence can also be tailored to suit the individual's circumstances.

**Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?**

**Yes**

**Please explain:**

Overpayments are generally recovered in accordance with Housing and Council Tax Benefits Legislation. However, although a decision may have been made that an overpayment is recoverable, officers can exercise discretion and elect to write off the debt if, for example, recovery of the debt may have a detrimental effect on the claimant's health, etc.

**From the evidence you have and strategic thinking, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?**

	Risks (Negative)	Opportunities (Positive)
Race	N/a	N/a
Disability	N/a	Ensure disabled access arrangements to the new OSS are adequate and review and promote the welfare visiting capability
Gender or Gender Identity/Gender Assignment	N/a	N/a

Pregnancy and Maternity (including breastfeeding)	N/a	OSS to review facilities to accommodate breastfeeding
Sexual Orientation	N/a	N/a
Age (including children, youth, midlife and older people)	N/a	N/a
Religion, Faith and Belief	N/a	N/a
Human Rights	N/a	N/a

## 7 Proportionality

Describe the scale and likelihood of these risks and opportunities

As indicated above, the review of Debt recovery efforts (including HB debt) is, in essence, an internal process which should not have an adverse Equalities Impact. However, it is anticipated that there will be an improvement in collecting income due to the Authority and thereby ensuring sound financial management of public funds.

## 8 Decision

The working practise of this procedure is not based on the customer's personal circumstances – governed by their overpayment. Data equally is not sorted with reference to their personal circumstances – purely based on their claim for Housing and Council Tax Benefit.

**Date of Decision:** 25/02/2011

**EITHER: We judge that a full impact assessment is not necessary since:**

**OR: We judge that a full impact assessment is necessary since:**

## **Equality Duties to be taken into account in this screening include:**

### **Prohibited Conduct under The Equality Act 2010 including:**

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

### **Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)**

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

### **Rights apply to people in terms of their "Protected Characteristics":**

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

### **Duty to "advance equality of opportunity":**

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life.

**Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

### **Duty to 'foster good relations between people'**

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

**Lawful Exceptions to general rules:** can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

### **National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:**

to improve how services identify and meet needs of adults with autism and their families.

### **Human Rights include:**

Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.