

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. 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.

<p>1 Name of policy/activity/project/practice</p> <p>Financial Instruction AR04 Write-offs</p>	<p>This is:</p> <p>A change to existing policy/activity/practice</p>
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<p>2. Screening undertaken (please complete as appropriate)</p>	
<p>Director or Head of Service</p>	<p>Isabell Proctor, Director of Finance & Support</p>
<p>Lead Officer for developing the policy/activity/practice</p>	<p>Ian Tyrer, Revenues Manager</p>
<p>Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)</p>	<p>Paul Willmott, Council Tax Team Leader</p>

<p>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.</p> <p>Is it linked to NBC’s Corporate Plan? Service Plan? Other?</p> <p>Please explain:</p> <p>The Financial Instruction details the rules for the governance of all debt write-offs at Northampton Borough Council.</p> <p>The Instruction covers all operations and systems for raising and recording debt throughout the Council.</p> <p>The Instruction outlines the circumstances where debt will be submitted for write-off, and all members of staff must adhere to the rules set out in the Instruction.</p>

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:

The Financial Instruction is not linked to NBC's Single Equality Scheme, the Equality Framework Criteria or service or departmental equality priorities.

The Financial Instruction does not contravene the Public Sector Duties (section 149) of the Equality Act 2010.

How will the aims affect our duty to:

Promote equality of opportunity?

Eliminate discrimination, harassment and victimisation?

Promote good community relations?

Promote positive attitudes towards people with protected characteristics?

Encourage participation of people with protected characteristics?

Protect and promote Human Rights?

For example, think about it from the perspectives of different groups in society. Does it cause harm or a benefit to any group(s) differently to others? Will it differentially affect:

Black, Asian or other ethnic minority and/or cultural groups?

Disabled people? And their carers?

Transgender people?

Men and women?

Lesbians, gay men and/or bisexual people?

Different religious communities/groups?

People of a particular age e.g. older people or children and young people?

Any other groups?

People with flexible or agreed working patterns?

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:

The Financial Instruction does not target specific groups, but individual customers and specified financial circumstances where a debt owed to NBC is to be written off.

Whilst the individual customer may belong to a group, no one group should experience advantage or disadvantage differently to another, due to the Instruction or process

The Instruction stipulates that the customers circumstances are to be based upon ability to pay (means tested), the cost of effective debt recovery action and the opportunity to enforce any legal action.

The Instruction also ensures that cases are monitored, reviewed and audited by senior Officers within the organisation.

If you have indicated there is a negative impact on any group, is that impact:

Legal? Not applicable

Yes

No

Please explain:

Intended? Not applicable

Yes

No

Please explain:

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.)

Financial Instruction AR04 Write-offs

All decisions are based on individual evidence gathered in respect of each case, and determined against that evidence. All information is retained for audit purposes for scrutiny by internal and external auditors.

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?

Reasons for write-off as detailed in the Financial Instruction are:

Debt uncollectable

Agreed settlement figure

Debtor deceased

Untraceable debtor

Bankruptcy/Insolvency/Administration Order

Disputed/Unresolved Query

Balance uneconomical

Extenuating circumstances
Statute Barred
Recovery procedures exhausted

There is no identified evidence that a particular group or groups are more or less likely to fall into one of these categories, or that a particular group or groups are more advantaged or less advantaged by these categories or the process.

Complaints and authorised write off trend analysis information is retained within each service area for scrutiny by auditors

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)

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

Yes

Please explain:

Financial Instruction written in consultation with:

Isabell Proctor, Director of Finance & Support
Bill Lewis, Head of Finance
Robin Bates, Head of Revenues & Benefits
Lesley Waring, Director of Housing

These Officers represent the key service area/customers impacted by the document.

Are proposed actions necessary and proportionate to the desired outcomes?

Yes

Please explain:

A formalised write-off process is required to maintain appropriate financial governance for the Authority, and to ensure that the authority makes best use of public funds.

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

Yes

Please explain:

Customers aggrieved with decisions made under the process have the right to raise a complaint to the Council under its Feedback Policy. Ultimately, maladministration of this process may enable the matter to be investigated by the Local Government Ombudsman.

Does the proposed policy/practice/activity have the ability to be tailored to fit different

individual circumstances?

Yes

Please explain:

Understanding and acting upon the individual circumstances of the customers is at the core of the process of the Financial Instruction. The process stipulates that the considerations made regarding write-off are done so on a case by case basis, centred on individual circumstances, and means tested recovery options.

The Instruction dictates the levels of recommendation, authorisation and scrutiny at clearly identifiable levels, with a required standard of evidence. This is also subject to audit review.

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

No

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	None identified	None identified
Disability	None identified	None identified
Gender or Gender Identity/Gender Assignment	None identified	None identified
Pregnancy and Maternity (including breastfeeding)	None identified	None identified
Sexual Orientation	None identified	None identified
Age (including children, youth, midlife and older people)	None identified	None identified
Religion, Faith and Belief	None identified	None identified

Human Rights	None identified	None identified

7 Proportionality

Describe the scale and likelihood of these risks and opportunities

None identified. There is a potential risk for inappropriate use of this instruction. However, the governance arrangements will allow us to identify weaknesses or trends in the process and enable us to act on them accordingly.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Date of Decision: 18/10/2011

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

There is no evidence that the Financial Instruction advantages or disadvantages any group or groups.

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.