

APPENDIX 2

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Rachel Shaw
Name of the policy or function to be assessed:	Housing Recharge (Sundry Debtor) Policy		
Names of the officers undertaking the assessment:	Rachel Shaw		
Is this a new or an existing policy or function?	New policy for existing function		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The aim of this policy is to provide clear guidance to staff, tenants and leaseholders to explain when a service, or work undertaken by the council, will be recharged to the tenant or the leaseholder.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <ul style="list-style-type: none"> • To maintain the quality of the council's housing stock, including communal areas, garages and any location owned and managed by the council. • To allow tenants and leaseholders the opportunity to remedy any breach by arranging for remedial works to be undertaken to a standard acceptable to the council; • To ensure that the costs for carrying out remedial works where the tenant and leaseholder is unable or unwilling to arrange for the remedial works to be carried out themselves has been covered. • To provide an effective repairs service by minimising the number of "missed appointments" and, where appointments are missed, to recover the expended costs. • To recover the costs where the council considers that tenant or leaseholder has misused the "Out of Hours" repairs service. • To recover the costs where the council has to store and / or dispose of any items, usually following the termination of a tenancy. • To support vulnerable tenants and leaseholders to abide by the terms of their respective agreements with the council and to help prevent any further breaches. 			
<p>3. Who is intended to benefit from the policy or function?</p> <ul style="list-style-type: none"> • Staff will benefit from clear guidance included in the policy • Tenants and Leaseholders will benefit from the emphasis on supporting them to remedy any breach in their tenancy agreement, and because the policy is clear that any vulnerabilities must be addressed. • The Council will benefit from improvements to the process which will increase the recovery of costs 			
<p>4. Who are the main stakeholders in relation to the policy or function?</p>			

<p>The main stakeholders are staff, tenants and leaseholders</p>
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>The monitoring of sundry debts, does not currently include any monitoring regarding the different equality strands.</p>
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>A lot of information is held on recharges and the sundry debt process. A sample of cases have been reviewed to consider the process and where improvements can be made. This identified areas where the Council can provide better support to those with vulnerabilities.</p>
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>Consultation has not been carried out. The new policy formalises and improves practices that are already in place.</p>
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?</p> <p>In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>
<ul style="list-style-type: none"> • Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified? <p>The policy outlines the 'use of discretion' as it is accepted that there will be individual circumstances that need to be taken into account when considering if a recharge should be raised. The policy does not target or exclude a particular equality group.</p>
<ul style="list-style-type: none"> • Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified? <p>The policy will be implemented by staff who will ensure that it is equally and fairly applied.</p>
<ul style="list-style-type: none"> • Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? <p>The policy will be implemented by staff who will ensure that it is equally and fairly applied.</p>

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The policy will have no impact on good relations between different groups.

- **What further evidence is needed to understand the impact on equality?**

Following the implementation of the policy the housing recharges raised will be monitored to ensure that there is no negative impact on equality.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: Younger tenants, in their first tenancy, will be provided with additional support to ensure that they can comply with their tenancy agreement. It is acknowledged that not all younger tenants will require this.

Disability: Staff will consider that information provided to tenants, such as information about their tenancy agreement and obligations, may need to be amended and provided in a different format for some people with a disability. Where this is required, alternative formats will be provided.

Pregnancy and Maternity: It is acknowledged that there may be financial pressures for tenants and leaseholders during the period of pregnancy and maternity. Therefore it may be appropriate to consider payment plans if there is a need for a recharge during this time.

Gender
Gender Reassignment
Marriage and Civil Partnership
Race
Religion and Belief
Sexual Orientation

It is not anticipated that the Council would need to take any further action in order to enable access for these groups. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service: