

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	Finance & Transactional Services / Payments, Income & Support
Lead Officer	Michelle Waters
Title	Payments, Income & Support Manager
MTFP Reference (if relevant)	MTFP RES 9
Cabinet Date (if relevant)	16 October 2019
Start Date	June 2019
Review Date	September 2020

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

The Tribunal, Courts and Enforcement Act 2007 and The Taking Control of Goods Regulations 2014, regulate the Enforcement Agent industry, defining procedures and charges associated with the enforcement of Council Tax, Business Rates and sundry debt.

The regulations have facilitated the introduction of internal or on-house Internal Agent Services in 11% of Councils.

Cabinet are asked to consider and approve the creation of an Internal Enforcement Agents Service from April 2020 – effective from July 2020 in terms of enforcement action.

The new service will be responsible for the enforcement of Council Tax, Business Rates and sundry debt. It will be independent of the current Debtors and Collection team and will be branded separately.

The process for the collection and enforcement of Council Tax and Business Rates is enacted in specific legislation:

- The Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992
- The Local Government Finance Act 1988 and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulation 1989

Both provide for the referral to enforcement agents once a liability order has been obtained from the Magistrates Court. However, in all cases, before making an application to the Magistrates Court customers / debtors are issued with a bill, a reminder notice, a final or cancellation notice and a summons, giving them opportunity to either make payment in full or enter into a payment arrangement.

Other sundry debt e.g. parking fines & fixed penalty notices, commercial rents, BID, Housing Benefit overpayments is enforced via the civil courts i.e. County Courts by appropriate legislation:

- The County Courts Act 1984
- Practice Directions & Civil Procedures Rules 1998 subsequent amendments and Practice Directions;
- The Charging Orders Act 1979
- The Social Security Administration Act 1992
- The Housing Benefit Regulations 2006
- The Traffic Management Act 2004
- The Tribunal and Courts Act 2014

The Council's Corporate Debt Management Policy defines debt management process for all of the Council's debt and the appropriate recovery and enforcement actions available, as well as outlining support available to vulnerable people and those who are unable to pay.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

The general public i.e. Council Tax payers and service users, in the case of sundry debtors and local businesses i.e. Business Rates payers are the main stakeholders because the new service will seek to enforcement non-payment of debt from these customer/client groups.

Customers often seek support from Members and local MPs and therefore members and MP will also be stakeholders in addition to DCC employees.

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?		
Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	?	N
Disability	?	N
Marriage and civil partnership (workplace only)	?	N
Pregnancy and maternity	?	N
Race (ethnicity)	?	N
Religion or Belief	?	N
Sex (gender)	?	N
Sexual orientation	?	N
Transgender	?	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

Any type of debt collection and particularly enforcement actions, has the potential to have an adverse impact upon those protected characteristic groups as they are often the Council's most vulnerable customers. However, this new proposed internal approach to debt collection is not anticipated to cause negative impact compared to the current system.

Furthermore, the Council has robust policies and procedures in place to support our vulnerable customers ensuring that appropriate recovery and enforcement actions are taken and work closely with support agencies to minimise potential adverse impacts.

In drawing together and approving processes and procedures for an Internal Enforcement Agent service consideration will be given vulnerable groups and protected characteristics to consider potential adverse impacts upon these groups and minimise impacts.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The Council already engages the services of Enforcement Agent services however bringing these services 'in-house' will offer the opportunity to give greater support to vulnerable customers. It will enable;

- a more joined-up and flexible approach to debt and recovery management, a single view of debt will offer a more cohesive approach to debt management and targeted support to vulnerable customers which will include signposting customers to appropriate support including exemptions, discounts and reductions as well as third sector agencies
- more direct control over the standards, behaviours and actions taken by Enforcement Agents and ensure that the Council's values and behaviours are embedded within the new service
- adoption of the Citizens Advice Council Tax Protocol will not only build upon exiting partnership work with the CAB, offering additional support to vulnerable customers, it will also enable to the adoption of a single financial statement
- more flexibility to withdraw fees and charges levied, in appropriate situations, minimising the accrual of additional charges

The introduction of an Internal Enforcement Agent Service will also enable the delivery of MTFP savings.

Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

There is no legislative requirements to collect data in respect of protected characteristics making specific analysis by protected characteristic difficult.

The service will therefore rely on census data, national statistics/data and previous impact assessments to draw evidence for analysis in order to predict likely impact and consider any necessary mitigation.

In addition, the service will analyse the first 2019/20 Enforcement Agent referrals, due in July, to quantify, identify and mitigate potential adverse impacts upon the protected characteristic groups where possible.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	Y

No evidence of actual or potential impact on some/all of the protected characteristics?	Y
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Sign Off

Lead officer sign off: 	Date: August 2019
Service equality representative sign off: Equalities Team Leader	Date: August 2019

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment please return completed screenings to your service equality representative and forward a copy to equalities@durham.gov.uk

If you are unsure of potential impact please contact the corporate research and equalities team for further advice at equalities@durham.gov.uk

Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: Age		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?
<p>The introduction of an Internal Enforcement Agent Service offers the opportunity to ensure the most cohesive, joined-up and flexible approach to debt management. The Council will have direct control over the standards and behaviours and actions taken by Enforcement Agents. There will be some flexibility and discretion to waive statutory enforcement charges in appropriate circumstances, minimising accrual of additional charges. An in-house service will also identify and support vulnerable customers and sign-post them to additional support. This new approach should provide an improvement for anyone in debt with the council.</p> <p>The adoption of the Citizens Advice Council Tax Protocol offers the opportunity to build upon existing partnership working with Citizens Advice County Durham and adopt a best practice model for debt management and recovery</p>	<p>CAB data suggests that 30% of household debt cases were in respect of customers under the age of 34, 24% were single parents and therefore likely to be younger. It also suggests that 19% of cases were unemployed and may have been impacted by the introductions of Universal Credit.</p> <p>Analysis of Enforcement Agent referrals in July 2019 has identified that of 2,985 accounts referred 77 include a Council Tax Reduction (CTR) award of less than 100% however, only 4 were in respect of a pension age accounts.</p> <p>7% of accounts referred had had a single person discount applied.</p> <p>The Council is the only Council in the North East and one of 34 English Councils to have retained a 100% Council Tax Reduction (CTR) Scheme positively supporting customers receiving Welfare Benefit and low-income workers. The scheme is</p>	<p>New policies and procedures will be developed to ensure that all actions undertaken comply with legislative requirements.</p> <p>Staff will be given appropriate training and certification including legislative and procedural training.</p> <p>Staff will complete all appropriate corporate training, including the Council's culture and behaviour training.</p> <p>A quality assurance framework will be introduced to ensure all staff comply with policy & procedure.</p> <p>The use of body worn cameras and call recording to ensure customers</p>

<p>and adopt the nationally recognised single financial statement, across all Debtors and Recovery Teams as well as the Enforcement Agent Service. Debt, particularly household debt, including council tax arrears, benefit overpayments & parking fines is likely to impact younger working age groups.</p> <p>The impact of recent welfare reforms have negatively impacted single people, particularly younger people under that age of 25, and low earners between the ages of 25 and 34, leading to financial hardship.</p> <p>Lower income households are more likely to expend a higher proportion of their income on household bills and debt than higher earning households.</p> <p>Loss of employment, part-time or fluctuation hours e.g. impact of zero hours contracts may also lead to serious financial difficulties and debt related problems.</p> <p>Changes to the welfare benefits system, impacting people of working age including; the unemployed, single parents, carers and mixed age couples i.e. where one person is under pension age and the other is over pension age, may also lead to serious hardship and result in debt related problems.</p>	<p>supporting over 11,000 customers in receipt of Universal Credit.</p> <p>In addition to the CTR scheme and statutory discounts & exemptions the Council has introduced a 100% Council Tax Exemption for care leavers, up to the age of 25 and a 50% Council Tax reduction where a care leaver moves into a liable household.</p> <p>The Council has a Debt Management Strategy and Write-off Policy. This ensures that unnecessary recovery action is not taken, robust financial appraisal of individual circumstances will always be undertaken to prevent unrealistic payment arrangements.</p> <p>The Council's Welfare Rights Team offer to support & assistance, including home visits, to claim welfare benefits and work in partnership with Age UK to support older people.</p>	<p>are treated with dignity & respect and staff comply with policy & procedure.</p> <p>Staff will complete appropriate Equality & Diversity Training.</p>
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<p>The Council has adopted and implemented a number of policies designed to support our most vulnerable customers including those in debt as noted in the evidence section of this impact assessment (on the right).</p>		
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Protected Characteristic: Disability		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>As above (for age).</p> <p>Disability can impact household income particularly, those with long-term chronic health conditions who may be unable to work or work reduced hours.</p> <p>Lower income households are more likely to expend a higher proportion of their income on household bills and debt than higher earning households.</p> <p>Additional costs associated with some health conditions may also lead to or increase financial hardship.</p> <p>Those with long-term medical conditions may also be negatively impacted by the introduction of Universal Credit.</p> <p>Mental health problems and conditions often contribute to financial hardship because people are absent from work or unable to work and often fail to comply with the</p>	<p>2011 census data reports that 24% of the County's population has a limiting long-term illness.</p> <p>Approximately 1 in 4 people are affected by mental health problem each year. Women are more likely than men to experience a mental health condition but this may be because women are more likely to seek help and support.</p> <p>Of 2,985 Enforcement Agent referrals in July 2019 only 1 was subject to a disabled band reduction. However, the qualifying criteria for this reduction is narrow and does not reflect all physical or mental impairments which may have a long-term adverse effect. Nor does this reflect the percentage of disabled people subject to any form of debt referral.</p> <p>Council Tax Regulations specify exemptions and discounts to support those with a disability; the disabled band reduction, severe mental</p>	<p>As above</p> <p>Disability awareness and mental health awareness training provided for staff.</p> <p>Reasonable adjustments will be made where required.</p>

<p>conditions associated with payment of benefits due to mental health issues. There may be similar impacts for inadequately supported people with a learning disability or difficulty.</p> <p>The council has adopted and implemented a number of policies designed to support vulnerable customers such as CTR, debt management and welfare rights support (as outlined in 'age' above). Further disability/health specific support is detailed in the evidence section of this impact assessment (to the right).</p>	<p>impairment reduction, exemption because a property is empty because in hospital or care home or empty whilst receiving or providing personal care.</p> <p>The Council has a Debt Management Strategy and Write-off Policy. This ensures that unnecessary recovery action is not taken, robust financial appraisal of individual circumstances will always be undertaken to prevent unrealistic payment arrangements. Disability costs are taken into account in financial appraisal.</p> <p>The Council's Welfare Rights Team offer to support & assistance, including home visits, to claim welfare benefits. They also offer specialist support to those suffering from a mental health problems or learning difficulties and also work in partnership with MacMillan to support those or their families with a cancer diagnosis.</p>	
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Protected Characteristic: Marriage and civil partnership (workplace only)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
N/A		

Protected Characteristic: Pregnancy and maternity		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
As above (for age).	No specific data is available for pregnancy and maternity in relation to debt recovery.	As above

<p>Women taking maternity leave may experience a drop income and the costs associated with a new baby may increase household costs leading to financial hardship.</p> <p>The council has adopted and implemented a number of policies designed to support vulnerable customers such as CTR, debt management and welfare rights support (as outlined in 'age' above).</p>	<p>The Council's Welfare Rights Team offer to support & assistance, including home visits, to claim welfare benefits and this includes support for pregnant women and new mothers.</p>	
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Protected Characteristic: Race (ethnicity)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>As above (for age).</p> <p>People whose first language is not English may not fully understand the bills they receive or the consequences of failure to pay which could lead to financial hardship because additional costs may accrue.</p> <p>The service engages with translation and interpretation services when appropriate and encourages customers to seek support from agencies, family or friends.</p> <p>The council has adopted and implemented a number of policies designed to support vulnerable customers such as CTR, debt management and welfare rights support (as outlined in 'age' above).</p>	<p>The 2011 census reported that 98.2% of people in County Durham were recorded as white. 1.55% were recorded as Asian/Asian British or mixed. 0.8% of households reported that there was no one in the household using English as the first language.</p> <p>The Council's Welfare Rights Team offer to support & assistance, including home visits, to claim welfare benefits and provide sign-posting to the appropriate support services and agencies.</p>	<p>As above</p>

Protected Characteristic: Religion or belief		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>As above (for age).</p> <p>The service recognises the different religious holidays, festivals and days of worship for people of differing faiths and belief and the impact this may have for example, offence at being contacted by phone or in person at particular times, also cultural sensitivities when accessing a persons' home such as removal of shoes where required.</p>	<p>The 2011 census reported 72% of people in County Durham recorded themselves as Christian and 26.8% recorded as either no religion or religion not stated.</p> <p>The Council's Welfare Rights Team offer to support & assistance, including home visits, to claim welfare benefits and provide sign-posting to the appropriate support services and agencies.</p>	<p>As above</p>

Protected Characteristic: Sex (gender)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>As above (for age).</p> <p>Historically women have been in lower paid jobs than men or have had earning ability restricted if time has been taken away from work to raise children.</p> <p>Lone parents are also more likely to be women and are also more likely to be negatively impacted by the introduction of Universal Credit.</p> <p>The impact of recent welfare reforms have negatively impacted single people, particularly younger people</p>	<p>The 2011 census data reported that there are more women than men in County Durham and that women are expected to live longer than men. Women account for 50.8% of the population with men accounting for 49.2%. The life expectancy for a woman is 81.3 years compared to 78 years for a man.</p> <p>It is difficult to accurately identify household make-up because council tax liability does always reflect household composition e.g. those not liable to pay.</p>	<p>As above</p>

<p>under that age of 25, and low earners between the ages of 25 and 34, leading to financial hardship.</p> <p>Council Tax Regulations specify the circumstances when a single person may claim a Single Person Discount a 25% discount off the Council Tax Liability.</p> <p>The council has adopted and implemented a number of policies designed to support vulnerable customers such as CTR, debt management and welfare rights support (as outlined in 'age' above).</p>	<p>However, of a sample of 50 enforcement referrals, with sole Council Tax liability recorded, 30 were single males and 11 single females.</p> <p>7% of accounts referred had had a single person discount applied.</p>	
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Protected Characteristic: Sexual orientation		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
There is no evidence to suggest any particular impact in relation to sexual orientation.		

Protected Characteristic: Transgender		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
There is no evidence to suggest any particular impact in relation to transgender.		

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

The collection of debt inevitably has a detrimental impact on debtors and has the potential to negatively impact those protected characteristics groups who may be in financial difficulty. Legislation prescribes the manner and actions that should be taken in pursuit of the collection of debt. This includes the engagement of Enforcement Agents.

The introduction of an Internal Enforcement Agent Service may have a positive and beneficial impact on those protected characteristic groups because it will enable a more joined-up, streamlined and flexible approach to debt management. Although improvements are beneficial to all protected characteristics, the proposed changes may be particularly beneficial in terms of working age and men where our analysis has identified these groups as being more likely to be impacted by debt recovery.

Enforcement agents will be subject to the Council's values and behaviours. Enforcement Agents will also be able to identify and sign-post vulnerable customers directly to other Council services e.g. Welfare Rights, Discretionary Awards, Housing Solutions and/or health and social care services. There is limited data for groups such as disability, pregnancy and maternity, religion and belief and BME but a well-trained internal workforce with an appropriate quality assurance framework should provide improvements for these particular groups where a tailored approach may be required.

Will this promote positive relationships between different communities? If so how?

The introduction of an Internal Enforcement Agent Team and adoption of the Citizens Advice Council Tax Protocol is not designed to promote community relations.

Action Plan

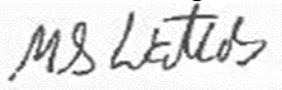
Action	Responsibility	Timescales for implementation	In which plan will the action appear?
Appoint project board & team to manage implementation of new service	Michelle Waters	October 2019	Project Implementation Plan
Appoint Manager/Team Leader	Michelle Waters	December 2019	Project Implementation Plan

Develop new policies & procedures	Manager/Team Leader	March 2020	Project Implementation Plan
Develop comprehensive training plan which includes E&D training	Manager/Team Leader	March 2020	Project Implementation Plan
Develop quality assurance framework	Manager/Team Leader	July 2020	Project Implementation Plan

Review

Are there any additional assessments that need to be undertaken? (Y/N)	N
When will this assessment be reviewed? Please also insert this date at the front of the template	

Sign Off

Lead officer sign off: 	Date: 01.08.19
Service equality representative sign off: Equalities team leader	Date: 01.08.19

Please return the completed form to your service equality representative and forward a copy to equalities@durham.gov.uk