

West Lothian Council: Equality Impact Assessment

A. About the function, service, policy, procedure, project etc

- 1 What is the name of the function/service/policy/procedure/project etc (called “policy” from this point) to be assessed?

Housing & Building Services

Rent Arrears

- 2 What were the results of the screening for relevance?

This policy has first been screened for relevance and need for a full assessment by initially looking at the all following key issues and questions:

1. Which aspects of Equality General Duties does it relate to?
2. Is there evidence or reason to believe that some groups could be affected differently?
Which groups?
3. How much evidence do you have?
4. Is there any public concern that functions/policies are operated in a discriminatory manner?

Poverty and debt can contribute to criminal behaviour. Good rent collection procedures, and action to address particular needs will contribute to community safety and prevention of crime.

Work underway to improve the rent collection rate and reduce overall arrears, as well as specific initiatives such as the new Debt Support Team is seen as positive contributions.

The policy has a medium/high level of relevance to:

- Race Relations Act 1976 (RRA Amendment Act 2000 & 06)
- Sex Discrimination Act 1975
- Disability Discrimination Act 1995 (DDA Amendment Act 2005 & 06)
- Protection from Harassment Act 1997

- CRE Code of Practice for Rented Housing
- Recommendations of McPherson Report
- Human Rights Act 1998
- Gender Equality Act 2007

3 Briefly describe the aim of the policy etc.

What needs or duties is it designed to meet? Who are the intended beneficiaries? How will it affect employees? How will it affect the community and the different groups of people within it?

Is the service contracted out or delivered under a service-level agreement or with partners? Who else is involved?

In what way will you involve any of these people in the impact assessment process?

The arrears process is designed to ensure that tenants comply with the terms of their Tenancy Agreement in respect of payment of rent in order to prevent rent arrears from accruing. The pre-decree stage process is driven from a customer-focused perspective and offers advice and support in order to achieve the most desirable outcome for all parties. The process is largely prescriptive once decree is granted as this is laid down by legislation from the Scottish Executive, which covers the timescales and duties of the process.

The second aim of the process is to maintain the amount of overall rent arrears due in the Housing Revenue Account in any year to not exceed 3.0% of the total net rent due.

Housing & Building Services have a successful record in terms of performance against the duties; the process has traditionally been managed through the local Housing Offices. This has been reviewed recently with the result that a central Debt Support Team was formed in 2006, with a wide variety of specialist skills being drawn together to form a team committed to not only managing the escalation process, but to provide support, information and early prevention to tenants going through the process. This team consists of a manager, 7 officers and 2 support staff and is based near the Advice Shop in Bathgate.

This assessment is being conducted side-by-side with Housing and Building Services Assessment & Review schedule. This review was conducted on an initial desktop review of the policies and procedures of the team and followed by 1-week on-site audit. Interviews were

conducted with staff members and case files were audited in accordance with the arrears policies and procedures.

B. Gathering the evidence and assessing the impact

- 4 Is there any evidence (or reason to believe) that this policy could have a different effect on some groups of people compared to others? (e.g. different needs, different experiences, different outcomes, different rates of participation, different abilities to access opportunities).

Is there an adverse impact around race, gender, disability, faith, sexual orientation, age, health, etc? What are the reasons for this adverse impact?

The Council's arrears collection process is felt to be sufficiently sensitive to individual need to ensure a balance is maintained between individual human rights and the needs for sound financial management of a public asset. Any tenant who is aggrieved at the way in which their rent account is managed is able to pursue a complaint through a procedure that provides management level review, and an appeal where necessary. Court proceedings also enable tenant's to exercise their right to defend possession proceedings, and the Council's standard letters and arrears information provide guidance on how to seek independent legal assistance with this.

Areas of possible relevance for the equality categories across the 6 main strands were identified as:

Age

Older people might be disproportionately concerned by arrears letters referring to loss of home and court action; if they do not have contact with the Housing Office while they issue letter 1 and 2 this could escalate to referral to the Debt Support Team. All letters are therefore taken out by the Community Based Housing Officers to be hand delivered however if tenant not at home letter is put through the door. It would be good practice to continue to try to make personal contact in these particular cases to ensure the welfare of the tenant.

Young vulnerable people in their first tenancy are likely to be over represented amongst tenants in arrears, this need is addressed at sign-up stage with a benefits health check offered to all tenants.

This means that referral for Debt Counselling via the Housing Support Service can happen for vulnerable tenants. This should be closely linked to the work being carried out on Homelessness with the Housing Needs Officers.

Race/ethnicity

General concerns that ethnic minority groups are under-represented in consultations. An automated arrears escalation process adversely affects those tenants with least awareness of and engagement with services that assist tenants to deal with arrears.

Language barriers – not simply that some households have difficulty with speaking, reading and writing English but also that it is difficult to identify, and record in useful way what a person's language and communication needs are and therefore to know when to deploy tools such as interpreters, language line, and translated material. These issues affect the whole range of rent collection work; at the time of signing a new tenancy, housing benefit claims, legal and possession matters. So, although all rent arrears information and standard letters are translated into community languages, staff do not have adequate tools to identify when these letters should be sent. A simple visual graphic flagging system would make the system work for the staff in a more user-friendly, uncomplicated manner.

Disability:

General issues of access are relevant, and particularly methods of receiving information about rent. As above, there is no coordinated process for exchanging information between different parts of the Council in relation to tenants needs and as recommended above, a flagging system would rectify this.

Although staff will have individual knowledge of disabled tenants, there is no systematic monitoring of disability and so very limited ability to measure how services impact on disabled people.

Information technology

Whilst the service is able to respond to requests on an individual basis, current monitoring and record management systems do not meet all departmental requirements to capture and make use of information about disabled people. Communication and access needs may be recorded on house files or in notepad provisions within the Academy system. However, there is no central facility to flag a tenant's requirements so that any officer accessing that system would be alerted to their needs. The system should also take into account those who require rent statements in large print.

All staff have access to the electronic CRM (Customer Relationship Management) systems Academy and ETS therefore making these the clear vehicle for such a flagging system.

Sexual orientation:

No specific areas of relevance were identified.

Religion/Belief:

No specific areas of relevance were identified

Gender:

Some relevance was identified for women, because they are more likely to head lone parent households who may be affected by debt, and because of people experiencing domestic violence (who are predominantly women) are at risk of financial abuse and other factors that contribute to rent arrears.

There is nothing about the way we operate the rent collection service that should have a different impact on households where a woman is the tenant (as opposed to joint tenancies between a man and a woman and male, sole tenancies). However, lone-parent households are predominantly headed up by women and lone-parent households are relatively poor.

The Debt Support Team Office does not cater for households with children by having children's toys, and there is not adequate seating as defined by the Disability Discrimination Act in the waiting area as there are no seats of varying heights.

Issues around domestic violence are being focused on via a specific team within the Policy & Equality Team. The arrears policy should be linked to the work going on within this team in order to meet the duty of care and to provide a more sensitive and needs based response.

Health

Some concerns that due to the prescriptive, almost automated nature of the process, those in unforeseen long-term hospital care or those with deteriorating health/mental health issues may not get picked up from a welfare point of view. There are many letters that must, by law be issued when dealing with arrears. If the tenant is in hospital or if their health is in decline with no family to liaise with the service on their behalf, the case could escalate unnecessarily. Earlier prevention/personal contact could avoid this stressful situation. This reasoning could also be applied in the case where the tenant cannot read, until telephone contact is made successfully, they could be completely unaware of the severity of the situation.

- 5 Please describe the evidence or reasoning you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Tell us about the information as it applies to different groups (e.g. by race, gender and disability etc).

The reasoning and evidence used has been a result of:

- Research carried out into best practice and related inspection reports
- Communities Scotland Inspection Report 2006
- Assessment & Review of the Debt Support Team – April 2007
- Tenant Participation/Survey/public events feedback
- Preparation work for EFQM/Chartermark submissions
- Mock inspection report in preparation for Communities Scotland onsite visit

- 6 Are there any unmet needs/requirements that can be identified that affect any of the specific groups?

- Minority ethnic groups are under-represented on response consultations when compared to the population of West Lothian. This should be addressed during the Tenant Participation Review. Due to the links with the Advice Shop, it may be possible to obtain feedback from the team's involvement through this outlet.
- During the next review it may be worthwhile looking at the options around surgeries in different locations to assist in early prevention of arrears, this may lead to greater contact with traditionally under-represented groups.
- Monitoring of outcomes for applicants is required. This should be provided in a breakdown of age, ethnic origin, gender and disability.
- It would be good practice to have referral forms sent to the Debt Support team contain an element of equality information that would ensure consistency of service delivery. Information such as special needs, documentation requirements, recommendation for home visits as opposed to office based appointments.

C. Making changes and promoting equality

- 7 If in your judgement, the policy etc does have an adverse impact, can you modify the policy to reduce/eliminate any adverse impact?

You need to think whether your modifications will:

- have a positive or negative effect on the promotion of equality of opportunity for any group
- help eliminate discrimination in any way
- encourage or hinder community relations.

Bearing in mind the current policy has only recently been reviewed, and that the team is very young, most improvements suggested will ensure best practice is achieved as it has already been established during the Communities Scotland inspection that current duties are being met.

The drive to achieve more meaningful feedback from ethnic minority groups on all Housing & Building Services issues will form part of the forthcoming Tenant Participation review – this will have a knock on effect on the arrears feedback. This will undoubtedly have a positive effect on all 3 of the duties.

Public surgeries/outreach work may lead to the strengthening of community relations and the promotion of equality of access with all equality groups.

A review of forms and letters specifically around equalities groups would help to ensure the elimination of any possible discrimination.

- 8 If you cannot modify the policy to reduce adverse impact, consider if the impact can be justified and explain. (It is unlikely that you will be able to justify any impact which amounts to unlawful discrimination.)

If the impact cannot be justified, how do you intend to deal with it?

n/a

D. Consultation

- 8 What steps have you taken/are you taking to consult externally as part of your assessment?

Whom have you consulted? What methods did you use? How long was the consultation period?

Have you consulted any “experts”? Did you involve any people in the affected groups in some other way during the process?

This assessment has been consulted on with internal members of staff and partners during the review process.

It will be made available for public consultation via our internet site and by request in hard-copy.

The consultation period will last 3 months and will be advertised via various publications.

The assessment will be advertised within the Debt Support Team public area of their office, and will be made available to tenants.

Copies will be sent to Tenant and Residents Associations, along with an invitation to meet, provide feedback and discuss if required.

Tenants will be involved in consultation on the forthcoming Arrears review where many of the actions contained within this report will be addressed.

E. Next steps

- 10 What were the results of the consultation?

What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

The consultation with staff and partners resulted in many of the actions within this report and formed the basis of the accompanying Assessment and Review Report

which will drive all improvements within the team for the next 2 years.

A Review which is about to be undertaken of the service will incorporate the recommendations of this report for further investigation or implementation

11 Have you published the results of that consultation? If so, where?
What arrangements were made to reach specific groups affected?

Consultation is contained both within this report and the Assessment and Review Report.

12 What are your recommendations based on the conclusions of this assessment?

That the points for improvement and observations contained within section B are taken into account within the upcoming service review of the Debt Support Team/Tenant Participation.

- Methods of consultation with minority groups to be reviewed
- Improvements required to Academy/ETS to ensure language, communication and special needs of customers are taken into account immediately via a flagging system that deploys as soon as the user opens up the customer records.
- Possible benefits campaign specifically directed at disabled tenants (pending consultation/data analysis)
- Annual performance analysis by equality categories on the critical stages of the arrears process – who is getting into rent arrears? Who is being escalated to court action, eviction etc.

13 Please provide us with separate information about how you intend to monitor this policy in future. What is the review date set for this policy?

This policy is due for review in the near future – within the next few months.

If the recommendations around monitoring are carried forward, this would form part of the reporting process for performance.

14 How will you publish the results of this assessment? What methods will you use? What arrangements are there to reach specific groups affected?

This assessment, once complete, will be published via our internet/intranet site. This will be advertised via publications and plasma screens in public offices.

A letter will be sent to relevant external groups and agencies to advise them of the assessment and where it can be found/requested.

15 Have you conducted any other types of impact assessment on this policy? (e.g. health, financial, environmental).

Assessment & Review inspection on functions and policies (Quality Assurance)

16 Is there anything else you wish to add?

--

Assessment made by:	Sarah Kelly
Others involved in assessment:	Penny Halsing, Liz Calder, Debt Support Team, Housing & Building Services staff.
Summary of assessment (this will be published). <ul style="list-style-type: none"> ▪ What you did ▪ What evidence you used ▪ What you found ▪ What consultation you undertook ▪ What changes you made ▪ What will happen next. 	Conducted screening & full assessment of Rent Arrears policy Assessment & Review Report Communities Scotland Report Areas for improvement around communication and consultation and performance reporting Full 3 months stakeholder consultation – document made available and publicised. Agreed action plan with Debt Support Manager Actions will be taken on and worked on by the team and included in the review of the service.
Manager's Signature	Liz Calder
Date:	14/04/08
Service area and job title:	Housing & Building Services – Debt Support Manager

When you have completed this form, please take a copy and send it to your service representative on the Corporate Working Group on Equality and/or the Equality Officer.