

Appendix C

Equality Impact Assessment – Leicester City Council Debt Policy

This EIA considers the impact of the policy on individual debtors, and excludes businesses which may also owe the council money.

The EIA covers the following services:

- Revenues & Customer Support
- Business Service Centre
- Housing Income Management
- Parking Enforcement
- Legal Services The chart below presents the number of individual debtors for each of these services. There is no further detailed profile information available indicating their protected characteristics.

Service	Debtors (2015/16)	Debtors taken to legal action (2014/15)	Debtors sent to prison and/or evicted (2014/15)
Revenues & Customer Support	133,619 households	24,674 (18.5%)	0
Income Management	4,350 owing over 2 weeks' rent	690 (15.9%)	53 evicted (1.2% of total debtors or 7.7% debtors taken to legal action)
Income Collection	10,130	7,670 (75.72%) to Enforcement Agency	0
Parking Enforcement	5,248	105 Parking Tribunal Cases (2.0%)	5 vehicles towed away (0.09% of total debtors and 4.8% debtors taken to legal action)
Legal Services	275	30 (10.91%)	0

Key stages of the council's contact/engagement with individual debtors:

- Notification of debt to debtor
- Engagement with debtor to clear/address debt

- File for legal action through courts
- Resolution or civil or criminal action (potential for criminal action for non-payment of council tax)

Equality implications for each of the key stages:

Notification of debt:

- The first step is council notifying those who have incurred a debt that they have done so, indicates how that debt can be repaid, and if it cannot be repaid, other arrangements available for repayment based on ability to pay.
- The main equality issue is the debtor being able to understand that they have incurred the debt, that they must respond to it and any mitigating actions in place should they not be able to immediately repay their debt.
- Therefore the first equality consideration is that the debtor is able to understand the information communicated to them about the debt.
- For those who are disabled, there are three potential issues: understanding the contents if they have learning disabilities; or being able to read the contents if they have visual impairments; or being able to read the contents if they are deaf and unable to read English well (some can only communicate using British Sign Language).
- For those who are non-English speaking because of their race, the main issue is understanding what the contents are.

Engagement with council in order to clear/address debt:

- This is primarily in regard to those individual debtors who are unable to repay their debt immediately. They need to make alternative arrangements with the council to repay their debt.
- The equality consideration is how the debtor is able to negotiate with the council to make alternative arrangements.
- For those who are disabled and have learning disabilities, the main issue is their being able to understand what is required and what alternative arrangements would work for them.
- For those who are disabled with a hearing impairment or visual impairment that influences the way they can contact the council for information, the main issue is their being able to communicate with council staff in a way that meets their personal needs.
- For those who are non-English speaking because of their race, the main issue is their being able to understand what is required.

File for legal action:

- This is in regard to those debtors who have not addressed their debt or who have not been able to agree a means of repaying their debt to the council.

- The equality consideration is for the debtor to be clear that they are no longer engaging with the council and have entered into a legal process.
- The equality considerations are the same as for the first stage of notification of debt: that they are able to understand the information communicated to them about the debt being referred to the courts for action.

Resolution or civil or criminal action:

- The debtor can always seek to directly negotiate with the council about the repayment of their debt.
- The equality considerations are the same as those identified for the second stage, engagement with council in order to clear/address debt: that they are able to negotiate with the council on how to repay their debt.
- For those debtors who have chosen not to address their debt, the courts will be responsible for ensuring appropriate communication is undertaken to ensure a fair process within the justice system.

Impact of proposal, risk of negative impacts, and mitigating actions

The main protected characteristics affected by the proposed debt policy are disability and race. The equality implications for each of the key stages of the debt policy cited above highlight the importance of communicating effectively with the debtor so that they understand the position they are in, their responsibility to pay their debt and the implications arising should they fail to do so. Potential communication barriers are most relevant to the protected characteristics of disability and race and that is why the charts below consider the potential impacts of the debt policy and how potential adverse impacts will be mitigated, from these two perspectives.

For each of the stages cited above, communication issues are shared for notification of debt and notification of legal action. Different communication requirements are relevant for the stage regarding engagement with debtor to clear or address debt. Once the council has filed for legal action through the courts, the courts are then responsible for addressing any communication needs. The council may continue to engage with the debtor if and when required through the courts.

Notification of debt/notification of legal action:

<p>Protected characteristics</p>	<p>Impact of proposal: Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected. Why is this protected characteristic relevant to the proposal? How does the protected characteristic determine/shape the potential impact of the proposal?</p>	<p>Risk of negative impact: How likely is it that people with this protected characteristic will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?</p>	<p>Mitigating actions: For negative impacts, what mitigating actions can be taken to reduce or remove this impact? These should be included in the action plan at the end of this EIA.</p>
<p>Disability</p>	<p>Learning disabled: unable to understand what the letter stating notice of debt says. Visual impairment: cannot read the letter stating notice of debt. Deaf: cannot read English and unable to understand what the letter stating notice of debt says.</p>	<p>If they do not understand that they have incurred a debt and must take action, the debt is likely to be escalated to the legal stage of action where they are likely to incur these sanctions: <i>indicate for different types of services</i></p>	<p>Revenues & Customer Support: We ensure that all information is run through our communications team to make sure it is easy to understand. Where we know a debtor is disabled, we can offer Council Tax reduction and, in these circumstances, a home visit is always considered. Housing Income Management: We contact debtors by telephone and in writing, and can conduct home visits to support debtors. Debtors can also drop-in to one of the Neighbourhood Housing Officers. We can also</p>

			<p>send letters in larger fonts and utilise signers.</p> <p>Parking Enforcement and Business Service Centre: We contact debtors by telephone as well as in writing to support those who do not understand the content of letters. If there is a visual impairment, we can send letters in larger fonts.</p> <p>Legal Services: If we are aware that a debtor has trouble with written communication, we will endeavour to use face-to-face or telephone communication. We also signpost debtors to debt advice agencies for further support.</p>
<p>Race</p>	<p>Cannot read English and unable to understand what the letter stating notice of debt says.</p>	<p>If they do not understand that they have incurred a debt and must take action, the debt is likely to be escalated to the legal stage of action where they are likely to incur these sanctions: <i>indicate for different types of services</i></p>	<p>Revenues & Customer Support: We ensure that all information is run through our communications team to make sure it is easy to understand.</p> <p>Housing Income Management: Often, members of the team are able to accommodate most common languages and, if not, we can utilise online resources and Language Line.</p> <p>Parking Enforcement: Often, members of the team are able to accommodate most common languages and, if not, we will utilise community languages support.</p> <p>Business Service Centre: If language is a barrier, we will try to locate a translator.</p> <p>Legal Services: If there are language issues,</p>

			we will use translators; especially in court. We can also signpost debtors to debt advice agencies for further support.
General mitigating actions:	<p>Revenues & Customer Support: Help and advice is stated on all of our documents.</p> <p>Housing Income Management: All potential new tenants are given a pre-tenancy interview to ensure they are financially prepared to take on the responsibilities of a tenancy.</p> <p>Parking Enforcement: As part of the Penalty Charge Notice legal process, a number of correspondences including the Notice to Owner form, Charge Certificate, Pre Debt Registration letter, Order for Recovery and Witness Statement forms and a Warrant of Execution are sent to the customer as a reminder of the debt and to encourage payment.</p> <p>Business Service Centre: Help and advice is stated on all of our documents.</p> <p>Legal Services: In general, we will make initial contact with the debtor by letter and invite them to contact us with proposals for payment.</p>		

Engagement with debtor to clear/address debt:

Protected characteristics	<p>Impact of proposal: Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected. Why is this protected characteristic relevant to the proposal? How does the protected characteristic</p>	<p>Risk of negative impact: How likely is it that people with this protected characteristic will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?</p>	<p>Mitigating actions: For negative impacts, what mitigating actions can be taken to reduce or remove this impact? These should be included in the action plan at the end of this EIA.</p>
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	determine/shape the potential impact of the proposal?		
Disability	<p>Learning disabled: unable to understand what the letter stating notice of debt says.</p> <p>Visual impairment: cannot read the letter stating notice of debt.</p> <p>Deaf: cannot read English and unable to understand what the letter stating notice of debt says.</p>	<p>If they do not understand that they have incurred a debt and must take action, the debt is likely to be escalated to the legal stage of action where they are likely to incur these sanctions: <i>indicate for different types of services</i></p>	<p>Revenues & Customer Support: We hold written consents from debtors where it is necessary to speak to their representatives. Where we know a debtor is disabled, we can offer Council Tax reduction and, in these circumstances, a home visit is always considered. We can also perform home visits where we know someone needs help completing an application for Council Tax reduction. We can also offer reliefs and exemptions and, where appropriate, refer debtors to debt advice agencies.</p> <p>Housing Income Management: We gather communicate requirements before entering into a tenancy and so can accommodate for possible engagement issues. As mentioned above, we can provide home visits, contact next of kin/carers/next of kin, and provide signers if necessary.</p> <p>Parking Enforcement: We will try to suit the debtor's needs through modified letters or contact by telephone.</p> <p>Business Service Centre: If there is incapacity, we will contact Social Workers, Support Workers, Family members and next of</p>

			<p>kin. We can also ensure that any correspondence is suitable to their needs.</p> <p>Legal Services: If we are aware that a debtor has trouble with written communication, we will endeavour to use face-to-face or telephone communication. We also signpost debtors to debt advice agencies for further support.</p>
<p>Race</p>	<p>Cannot read English and unable to understand what the letter stating notice of debt says.</p>	<p>If they do not understand that they have incurred a debt and must take action, the debt is likely to be escalated to the legal stage of action where they are likely to incur these sanctions: <i>indicate for different types of services</i></p>	<p>Revenues & Customer Support: Our officers can telephone customers to help them understand letters and, where necessary, offer interpretation through the Community Languages team. We can also refer debtors to debt advice agencies who may be better equipped to support their needs.</p> <p>Housing Income Management: Often, members of the team are able to accommodate most common languages and, if not, we can utilise online resources and Language Line.</p> <p>Parking Enforcement: Often, members of the team are able to accommodate most common languages and, if not, we will utilise community languages support.</p> <p>Business Service Centre: If language is a barrier, we will try to locate a translator; or, if it's easier for the debtor to speak over the phone, we will contact them by telephone.</p> <p>Legal Services: If there are language issues,</p>

			we will use translators; especially in court. We can also signpost debtors to debt advice agencies for further support.
<p>General mitigating actions:</p>	<p>Revenues & Customer Support: Council Tax Reduction is means tested and can help to reduce a bill by a maximum of 80% for working age customers and 100% for pensioners. In exceptional circumstances, Council Tax Discretionary Reduction is available. A payment plan can be offered at all stages except committal to prison. The Money advice service is hosted by the Revenues and Customer Support service and officers will make appointments. A welfare visit can be made to help customers with their claim for assistance in their own home. For business rates, the government has made statutory help available via small business rates relief and other hardship and discretionary reliefs.</p> <p>Housing Income Management: We will make referrals to appropriate specialist agencies, both directly and via STAR. Case conferences are attended and occasionally arranged by the team. Welfare advice is given, assistance with Housing Benefit & Discretionary Housing Payments claims, payment plans agreed, home visits are carried out where appropriate, and Credit Union rent payment accounts can be set up.</p> <p>Parking Enforcement: Payment plans are offered on occasions. Advice on debt support agencies. Telephone calls to engage with the debtor. We can also write off debts due to no trace and individual circumstances.</p> <p>Business Service Centre: We offer payment plans where there is a genuine need. We liaise with support services/debt agencies, relatives and next of kin where the customer may not have the ability to deal with their own affairs. In the case of ASC debts, we may suggest that the Council becomes the service user's appointee/deputy where they are not managing their finances or where abuse of the same is suspected.</p> <p>Legal Services: Taking into account the debtor's circumstances and the nature and amount of the debt, we will, in conjunction with our client department, decide whether to accept a repayment proposal.</p>		

How the proposed policy meets our Public Sector Equality Duty:

The above charts set out how the five services seek to mitigate negative impacts for debtors throughout the stages of the debt policy through its communication with individual debtors. They seek to inform and engage with the debtor regarding their debt and means for its payment, taking individual circumstances into account. The policy and practice described in the report meets the aims of our Public Sector Equality Duty in the following ways:

Elimination of discrimination: all services seek to inform and engage with debtors in ways that meet their personal circumstances to ensure that they understand and are able to address their debt to the council. If they have difficulty in doing so, services have scope to pursue actions based on the debtor's individual circumstances to ensure as fair a process as possible in seeking to recover that debt.

Promotion of equality of opportunity: When debtors' personal circumstances are problematic in their being able to address the debt, officers' engagement includes signposting them to other sources of support available to them if necessary. This enables the council to pursue a more holistic approach to individuals and how their own needs can continue to be met.

Fostering good relations between different groups: the council's pursuit of debt is important in signalling to the city's population as a whole that everyone has a responsibility for paying what they owe to the council and that action will be taken against those who do not. The actions described above also signal that the council's approach is based on a fair process that recognises at times that individual circumstances may prevent people from meeting their financial responsibilities.

The focus on effective communication aimed at understanding and meeting the communication and personal needs of individual debtors is the key feature which enables us to demonstrate that we are meeting our Public Sector Equality Duty for this particular policy.