



Equality Impact Assessment Record Form 2012-16

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. The purpose is to avoid inadvertent disadvantage or discrimination resulting from decisions.

EIA is not a fixed process – it will vary according to the scale and type of activity. The form and guidance are designed to cover all eventualities. Officers should not be discouraged by the form, but should use their discretion in using it flexibly according to the activity they are assessing.

EIA does not happen at a single point in time. It is an ongoing and integral part of the development of the activity or proposal. This EIA template should be kept open and live as a planning document, and updated as the activity or proposal progresses.

Section 1 – Service Details and Summary of EIA Activity

Title of activity:	Housing Complaints, Compliments and Comments Procedure April 2013
Lead Officer responsible for this EIA:	Lee Downey, Complaints and Information Governance Manager
Telephone:	01325 388401
Service Group:	Resources Group
Service or Team:	Complaints and Information Governance Team
Assistant Director accountable for this EIA	Catherine Whitehead, AD Resources
Who else will be involved in carrying out the EIA:	

What stage has the EIA reached?		
<p>This table provides a 'cover note' of progress to be maintained as the EIA is developed over time. Stage categories 1-3 listed below refer to the funnel model. Note the stage reached and any consultation or engagement carried out. Simple activities may not need all these stages. Provide details of population/individuals affected in Section 2</p>		
Stage	Date	Summary of position
Stage 1: Initial Officer Assessment. Whole Population likely to be affected identified	1 Nov 2012	Applicants for social housing
Stage 2: Further Assessment. Target Population likely to be affected identified	7 Jan 2013	All applicants, past/present tenants likely to have one or more protected characteristics but assessed as no perceived negative affects of implementing the procedure.
Stage 3: Further Assessment. Individuals likely to be affected identified	16 Jan 2013	The procedure is designed to identify individual needs and make provisions to accommodate those needs so that individuals are able to access the procedure.
Stage 4: Analysis of Findings		
Stage 5: Sign-Off		
Stage 6: Reporting and Action Planning		

Section 2 – The Activity and Supporting Information

<p>Details of the activity (including the main purpose and aims)</p>
<p>Introduction of a new Complaints, Compliments and Comments Procedure for housing issues as required under the Localism Act 2011 (the Act). The procedure is an adaptation of and replaces the current Corporate Complaints, Compliments and Comments Procedure in relation to complaints about the Council in our role as social landlords (as well as in respect of our ownership and management of leasehold housing). The changes introduced by the Act will have no impact on any protected characteristics.</p> <p>The first change is the introduction of a designated person/democratic filter. This can either be an MP, local Councillor or a recognised Tenant Panel. In Darlington we have decided this will be a recognised Tenant Panel. The designated person/democratic filter will be required to consider the complaint following investigation by the Council.</p> <p>The second change is that the Local Government Ombudsman (LGO) will no longer be responsible for considering complaints about social housing, following investigation under the Council's complaints procedure. Complaints against the Council as a social landlord (as well as in respect of its ownership and management of leasehold housing) will be considered by the Housing Ombudsman (HO). The Act makes provisions for joint work between the LGO and the HO. Unlike the LGO the HO will have the power to enforce decisions via the courts.</p>
<p>Who will be affected by the activity?</p> <p>See the guidance on carrying out equality impact assessment within the Equality Scheme 2012-16. Provide details of the groups and numbers of people affected below, updating the table as the EIA develops and the understanding of who will be affected emerges in more detail.</p>
<p>Whole population</p>
<p>Applicants for social housing and any individual who has been in a landlord/tenant relationship with the Council, including people who have a lease, tenancy, licence to occupy, service agreement, or other arrangement to occupy premises owned or managed by the Council (referred to as tenants from here on). The Council's total social housing stock consists of 5, 452 properties. The Council received 83 complaints in 2009/10, 61 in 2010/11 and 104 in 2011/12 in relation to the kind of issues that will be covered by the new Housing Complaints, Compliments and Comments Procedure. Information regarding the number of complaints received from individuals with protected characteristics is contained within the Council's Corporate Complaints, Compliments and Comments Annual Reports which are available via the Council's website: http://www.darlington.gov.uk/Generic/Complaints/reports.htm</p>
<p>Target population</p>
<p>While there is no specific target population identified tenants will undoubtedly possess one or more of the protected characteristics outlined in the Act.</p>
<p>Individuals</p>
<p>The procedure is designed to identify individual needs and make provisions to accommodate those needs so that individuals are able to access the procedure.</p>
<p>What data, research and other evidence or information is available which is relevant to the EIA?</p>

The procedure was developed to meet legislative requirements in respect of housing complaints. As the procedure is an adaptation of and replaces the existing Corporate Complaints, Compliments and Comments Procedure, in relation to housing complaints, it is not anticipated that the operation of the procedure will result in an adverse impact on groups or individuals with characteristics protected in UK equality law.

This conclusion is based on this equality impact assessment and our experience of the operation of the existing Corporate Complaints, Compliments and Comments Procedure which was implemented on 1 April 2009. A Disability Equality Impact Assessment and an equality impact assessment were undertaken in relation to the Corporate, Complaints, Compliments and Comments Procedure in January 2009. Darlington Association on Disability (DAD) Disability Equality Impact Assessment Subgroup were consulted during the course of undertaking the Disability Equality Impact Assessment.

Check: before proceeding to the officer assessment, have you obtained all the data and information that is currently available?

Section 3: Officer Assessment

Use this table to record your views on potential impact on Protected Characteristics. As the activity and the assessment develop your views may change – record them here. It is important to be searching and honest about this – many Council activities are planned to be of positive benefit to identified target groups but can often have the potential for inadvertent effects on other groups.

Protected Characteristics	Potential Impact Positive/Negative/ Not Applicable	Potential level of impact	Summary of Impact
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Please note that the following information is contained within the Housing Complaints, Compliments and Comments Procedure in order to ensure it is accessible to individuals with one or more protected characteristics.

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure our complaints procedure is easily accessible we:

- use plain language;
- accept complaints over the phone or in person, in writing, by e-mail, via our website or by any other reasonable means;
- provide information and responses in Braille, large print, audio, easy read format and other languages where needed; and
- provide translators (including sign language translators) where needed.

The procedure also contains information on the provision of advocacy for people with protected characteristics.

Age	P	N	NA	H	M	L	nil	No perceived positive/negative impact.
Race	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to make it easy for people whose first language is not English to make representations.
Sex	P	N	NA	H	M	L	nil	No perceived positive/negative impact.
Gender Reassignment	P	N	NA	H	M	L	nil	No perceived positive/negative impact.
Disability (summary of detail on next page)	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to ensure it is easy for disabled people to make representations to the Council in relation to housing issues and for the Council to use the information provided to improve service provision to disabled people.
Religion or belief	P	N	NA	H	M	L	nil	No perceived positive/negative impact.

Sexual Orientation	P	N	NA	H	M	L	nil	No perceived positive/negative impact.
Pregnancy or maternity	P	N	NA	H	M	L	nil	No perceived positive/negative impact.
Marriage/ Civil Partnership	P	N	NA	H	M	L	nil	No perceived positive/negative impact.

Section 3: Officer Assessment - continued

The Council must have due regard to disabled people's impairments when making decisions about 'activities'. This list is provided only as a starting point to assist officers with the assessment process. It is important to remember that people with similar impairments may in reality experience completely different impacts. Consider the potential impacts and summarise in the Disability section on the previous page. Officers should consider how the 'activity' may affect a disabled person.

Mobility Impairment	P	N	NA	H	M	L	nil	No perceived positive/negative impact.
Visual impairment	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to make it easy for people who are visually impaired to make representations.
Hearing impairment	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to make it easy for people who are hearing impaired to make representations.
Learning Disability	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to make it easy for people with a learning disability to make representations.
Mental Health	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to make it easy for people who experience mental health problems to make representations.
Long Term Limiting Illness	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to make it easy for people who have a long term limiting illness to make representations.
Multiple Impairments	P	N	NA	H	M	L	nil	As the procedure is based on the Corporate Procedure it is envisaged that it will continue to make it easy for people who have multiple impairments to make representations.

Other - Specify	P	N	NA	H	M	L	nil	
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Cumulative Impacts

The officer responsible for this EIA should seek input from the Corporate Equalities Group on the potential for this activity to combine with other recent, current or proposed activities, both Council and in the external environment, to result in more severe impacts on people with Protected Characteristics through their cumulative effects. The Corporate Equalities Group will advise on the content for this section of the EIA.

Change activities

Welfare Reforms particularly in relation to Housing and Council Tax Benefit. In anticipation of these reforms the Council has amended its common allocations policy (COMPASS). A copy of the Equality Impact Assessment in relation to this policy change is available via the Council's website:

<http://www.darlington.gov.uk/PublicMinutes/Cabinet/December%202012/Item%2010-%20Appendix%201.pdf>

Potential cumulative impacts

It is anticipated that the welfare reforms will lead to an increase in financial problems for tenants and increased demand in terms of housing applications. It is estimated that in Darlington approximately £400,000 of rents will no longer be covered by Housing Benefit. It is also estimated that 635 tenants will be affected by the bedroom tax and benefit cap. The change activities described in the adjacent box seek to mitigate the impact on all individuals including those with protected characteristics. Where individuals (including those with protected characteristics) do need to make a complaint the Housing Complaints, Compliments and Comments Procedure will ensure they are able to do so.

Section 4: Engagement Decision

The decision about who to engage with, and how and when to engage, is the key to effective EIA. Please see Annex 2 of the Equality Scheme for guidance on the engagement decision.

Is engagement with affected people with Protected Characteristics required, now or during the further development of the activity?	No
If YES, proceed to the next section. If NO, briefly summarise below the reasons why you have reached this conclusion.	
<p>Having considered the potential impact in relation to each of the protected characteristics I do not consider it necessary to undertake further engagement activity with people who have protected characteristics, as I do not believe the minor procedural changes introduced by the Act will affect the accessibility of the procedure for those groups/individuals.</p> <p>As previously stated this procedure is an adaptation of and replaces the current Corporate Complaints, Compliments and Comments Procedure in relation to complaints about the Council in our role as social landlords (as well as in respect of our ownership and management of leasehold housing). While I appreciate past data is not entirely relevant and each activity should be assessed on its merits, previous engagement with individuals who have protected characteristics has ensured the Corporate Complaints, Compliments and Comments Procedure is accessible for disabled people. An equality impact assessment undertaken in relation to that procedure also ensured it is accessible for people whose first language is not English.</p>	

If you have come to the conclusion that engagement is not required, seek ratification from the Corporate Equalities Group through your service Equalities Co-ordinator.

If engagement is not required but the officer assessment has identified changes that should be made to the activity, please complete Sections 7 and 8. If not the assessment can be signed-off at Section 9.

Any reports to decision-makers during the development of the activity, for example feasibility or options appraisal reports, should include content on the latest thinking and findings of the EIA even though, like the activity, further development of the EIA may be required before final reporting.

The findings of the officer assessment should be included in any reports to decision-makers. These may be feasibility or options appraisal reports where the activity is at an early stage of development, but it is essential that any equality findings are taken into account in formal decisions at all stages of development of the activity.

Section 5 – Involvement and Engagement Planning

Has the assessment shown that the activity will treat any groups of people with Protected Characteristics differently from other people? Yes
Race, Disability, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments. Specific provisions are made within the procedure to ensure that information is provided in appropriate formats for individuals whose first language is not English and for those people who require information in Braille for example as a result of a visual impairment. Complaints can be submitted via a number of methods as detailed in the procedure to ensure individuals with those protected characteristics outlined above are able to make a complaint. Advocacy is also provided for individuals who require support as a result of their disability.
Will the differential treatment advance equality for people with Protected Characteristics? Yes
See above.
Will the differential treatment cause or increase disadvantage for people with Protected Characteristics? No

From the above, prepare a simple plan using the template overleaf for involving and engaging with the organisations, groups and individuals likely to be affected by the activity.

There may be several stages of involvement and engagement, particularly for more complex activities. Initially it may be possible to identify and engage only with stakeholder and representative organisations for the people with Protected Characteristics who may be affected. Further development of the activity may be required before the individuals who will be affected can be identified.

The Involvement and Engagement Plan should evolve accordingly, with new engagement proposals added as they are identified.

Involvement and Engagement Plan			
Which organisations, groups and individuals do you need to involve or engage and how?			
Date of plan entry	Organisation, Group or Individuals	Date of event or activity	Type of activity – venue, channels, method and staffing
April 2012 – April 2013	Pauline Mitchell, Assistant Director - Housing	Ongoing	Discussion around proposals, internal reports, consultation on procedure and implementation.
April 2012 – April 2013	Hazel Neasham, Housing Estates Manager	Ongoing	Discussion around proposals, internal reports, consultation on procedure and implementation.
May 2012	Jenny Chapman, MP	28 May 2012	Letter regarding proposal for designated person/democratic filter to be a recognised Tenant Panel in Darlington
April 2012 – April 2013	Councillor Copeland	28 May 2012	Letter regarding proposal for designated person/democratic filter to be a recognised Tenant Panel in Darlington, updates via Assistant Director – Housing
April 2012 – April 2013	Tenants' Board	Ongoing	Local offer, attendance at board to discuss/agree way forward including decision around designated person/democratic filter being a recognised Tenant Panel in Darlington and ratification of procedure

Engagement to identify impacts works best in face-to-face and small group settings

Section 6: Engagement Findings

	Date/summary of engagement carried out	Summary of impacts identified
Age	See page 11	No additional impacts identified through engagement activity
Disability	See page 11	No additional impacts identified through engagement activity
Mobility Impairment	See page 11	No additional impacts identified through engagement activity
Visual impairment	See page 11	No additional impacts identified through engagement activity
Hearing impairment	See page 11	No additional impacts identified through engagement activity
Learning Disability	See page 11	No additional impacts identified through engagement activity
Mental Health	See page 11	No additional impacts identified through engagement activity
Long Term Limiting Illness	See page 11	No additional impacts identified through engagement activity
Multiple Impairments	See page 11	No additional impacts identified through engagement activity
Race	See page 11	No additional impacts identified through engagement activity
Sex	See page 11	No additional impacts identified through engagement activity
Gender Reassignment	See page 11	No additional impacts identified through engagement activity
Religion or belief	See page 11	No additional impacts identified through engagement activity
Sexual Orientation	See page 11	No additional impacts identified through engagement activity
Pregnancy or maternity	See page 11	No additional impacts identified through engagement activity
Marriage / Civil Partnership	See page 11	No additional impacts identified through engagement activity

Section 6: Engagement Findings – Continued



Drawing on the engagement findings and your understanding of the effects of the activity, indicate how it will contribute, if at all, to the three strands of the Public Sector Equality Duty.

a) How will the proposal help to eliminate discrimination, harassment and victimisation?
b) How will the proposal help to advance equality of opportunity?
c) How will the proposal help to foster good relations?

During the engagement process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

This completes the assessment, but there will be further work to do to contribute to the reporting and implementation stages of the activity. First though, it is important to draw a line under the assessment to maintain a separation between assessment of impacts and any proposals to manage those impacts. The assessment should therefore be signed-off at this stage.

Section 7 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed 	Name:	Lee Downey
	Date:	31/01/13
	Job Title:	Complaints & Information Governance Manager
Assistant Director:		
Signed 	Name:	Catherine Whitehead
	Date:	31/01/13
	Service:	

Section 8 – Reporting of Findings and Recommendations to Decision Makers

The findings of the EIA may be reported to decision-makers at several stages during the development of an activity. For example, the initial officer assessment findings may be included in a feasibility report or options appraisal to be considered by the Transformation Board or Chief Officers' Executive.

Any report for formal decisions by Cabinet or Council should include the latest findings of the EIA, even if these are at a relatively early stage. The report recommending final approval of the activity should await and include the findings of the completed EIA. The report should present clearly the impacts that have been identified through the engagement process, including potential cumulative impacts.

The report may include recommendations based on the findings of the EIA, but these should be separate from the reporting of impacts. Recommendations will be developed separately from the EIA and arise from considering equalities impacts combined with other aspects of the activity such as finance, the benefits of the activity, and so on.

Based on the EIA findings, the report may consider the options in the table below, but the report must contain a clear statement of the impacts so that decision-makers can understand the effects of the decision that is being recommended.

What does the review of the information show?	
a)	No negative impact on people because of their Protected Characteristics - continue with the activity and monitor progress on implementation
b)	Negative impact identified – recommend continuing with the activity; clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue
c)	Negative impact identified - adjust the activity in light of the identified impact to avoid, minimise or mitigate the impact
d)	Negative impact identified - stop activity and provide an explanation why

Section 9 – Action Plan and Performance Management

The report to decision-makers, and the decision made may require actions to be taken to avoid, minimise or mitigate the negative impacts of the activity. Option C in the table in Section 8, combined with mitigation measures that may have been highlighted during engagement and listed in Section 6 (if adopted) will require action planning to implement them.

Any actions to address equalities impacts should be listed below, with performance management review proposals, to complete the full EIA.

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date

Performance Management	
Date of the next review of the EIA	
How often will the EIA action plan be reviewed?	
Who will carry out this review?	