

### EQUALITY IMPACT ASSESSMENT

<b>STRATEGY/ACTION:</b> Financial Protection Service – Charging	<b>Department:</b> Resources
<b>Person responsible for assessment:</b> Heather McQuade <b>Person responsible for strategy where different from above:</b>	<b>Date of assessment:</b> January 2012

**Brief description of strategy, partners and those who will be affected by its delivery:**

The Financial Protection team provides a deputy service to clients who do not have the capacity to look after their own financial affairs. This involves taking charge of their benefits, income, private pensions, savings and assets. We don't currently charge for this service however they are set fees which the local authority can apply if the court appoints us to a deputy.

The fees are as follows;

Work up to court order date £670  
Annual management fee (£700 - £585)  
Annual property management fee £270  
Preparation and lodgement of an annual report £195.

The purpose of Financial Protection is to assist client's who are unable to manage their own financial affairs and have no-one that will take on this role for them. The clients may lack capacity, be subject to financial abuse or may be unable to access their finances due to physical restraints.

## Introduction

This is a generic document that will require interpretation in particular circumstances. If, after reading the guidance, you require further information on how to implement the assessment, please contact Peter Roberts, Social Enterprise Development Manager 01325 388713

**Q.1 Is your strategy and the actions it proposes accessible to everyone within the community? Bear in mind any economic, social, environmental, physical, intellectual, cultural, linguistic, technological or other barriers.**

Issue	Yes	No	If yes, what evidence do you have to demonstrate this?	If no, what do you plan to do to remove barriers to access?
Equality Act 2010 Protected characteristics:				
Age	X		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Disability	X		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Gender reassignment	X		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Pregnancy and Maternity	X		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Race	X		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Religion or belief	X		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Sex	X		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	

Issue	Yes	No	If yes, what evidence do you have to demonstrate this?	If no, what do you plan to do to remove barriers to access?
Sexual orientation	x		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Marriage and Civil Partnership	x		This service is provided to all disabled people who lack capacity and do not have anyone else to act on there behalf.	
Local Priorities:				
Geographical impacts	x			
Carers				
Young People leaving care				
Gypsies & Travellers				
Refugees & Asylum Seekers				
Unemployed or low income				
People with spent criminal convictions				

**Q.2 (a) For whatever reason, does your strategy and the actions it proposes treat any group differently from others?**

Yes	
No	x

If you have answered 'yes', please specify those individuals or groups affected and whether the impact has the potential to be adverse.

**(b) What needs to be done to prevent any potentially adverse impact?**

Not an adverse impact therefore not applicable

**Q.3 (a) Does your strategy promote equality? (e.g. does it contain actions that demonstrate a consideration of community cohesion and the needs of the members of Darlington's diverse communities)**

Yes	
No	x

If you have answered 'yes', please give examples of how equality is promoted.

**Q.4 In the past three years, have you consulted with any of the following groups regarding the development of your strategy?**

Group	Yes	No	If yes, please summarise evidence (Who? When? What were the outcomes?)	If no, are you satisfied that the strategy has no impact on this group?
Age	x		Consultation events have taken place as part of the MTFP budget consultation events in both 2011 and 2012, alongside these includes; <ul style="list-style-type: none"> <li>Public consultation events specifically targeted for disabled, young people and older people</li> <li>Town Crier publications</li> </ul>	
Disability	x			
Gender reassignment	x			

Group	Yes	No	If yes, please summarise evidence (Who? When? What were the outcomes?)	If no, are you satisfied that the strategy has no impact on this group?
Pregnancy and Maternity	X		<ul style="list-style-type: none"> <li>• Online forums</li> <li>• Talking Together Events</li> </ul>	
Race	X			
Religion or belief	X			
Sex	X			
Sexual orientation	X			
Marriage and Civil Partnership	X			
Geographical impacts	X			
Carers	X			
Young people leaving care	X			
Gypsies & Travellers	X			
Refugees & asylum seekers	X			
Unemployed or low waged	X			
People with spent criminal convictions	X			

## **Guidance and Definitions**

The Equality Act 2010 combined over 100 pieces of legislation into one Act and introduces nine protected characteristics for which due regard is required in ensuring discrimination is prevented. These are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership. The Public Sector Equality Duty came into force on April 5th, 2011.

The following definitions and information will be useful in determining impacts of strategies, actions or services on specific groups.

### **Age:**

Having a particular age (e.g. 32 year-olds) or being within an age group (e.g. 18-30 year olds). Discrimination on the grounds of age under the Equality Act 2010 applies from the age of 18 years.

### **Disability:**

Physical or mental impairment and the impairment has a substantial and long-term adverse effect on person's ability to carry out normal day-to-day activities.

### **Gender Reassignment:**

A process which is undertaken under medical supervision for the purposes of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process.

The Sex Discrimination (Gender Reassignment) Regulations 1999 outlaw direct discrimination against transsexuals on the grounds of "gender reassignment".

Transgender: An individual, who appears as, wishes to be considered as or has undergone surgery to become a member of the opposite sex.

Transsexual: An individual who believes that their apparent gender is not their actual gender and may seek gender reassignment surgery to alter their body to meet their belief. Transsexuals may appear similar to transvestites, but have a different intent.

Transvestite: An individual who wears the clothing of the opposite gender to express their feminine/masculine side, or for relaxation. Also known as cross-dressing.

For the purposes of completing the impact assessment, consideration ought to be given, in the first instance for example, to the arrangements made (or which could be made/agreed upon), regarding the use of toilets and any other gender specific facilities.

**Pregnancy and Maternity:**

Pregnancy is the condition of being pregnant. Maternity is the period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Race:** includes colour, nationality (including citizenship), ethnic origin or national origins.

**Religion or Belief:**

Religion means any religion including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live it for it to be included.

This area presents, perhaps, the greatest difficulty in terms of providing a definition, not least because of the close links/overlaps in some instances with culture and race/ethnicity.

The Employment Equality (Religion or Belief) Regulations 2003 ban discrimination in employment and vocational training on grounds of religion or belief. Under the regulations, religion is defined as being 'any religion, religious belief, or similar philosophical belief'. This does not include any philosophical or political belief unless that belief is similar to a religious belief. Courts and tribunals may consider a number of factors when deciding what is a 'religion or belief' (e.g. collective worship, clear belief system, profound belief affecting way of life or view of the world)'.

For the purposes of completing the impact assessment, consideration ought to be given to a range of factors, examples of which are set out below. It is recognised, however, that whilst knowledge of the central tenets of those religions most likely to be encountered would help ensure that appropriate provision is made with regard to the delivery of and access to services, such knowledge might not necessarily be held.

- Is provision made, when dealing with customers, for them to be dealt with, if requested, by persons of the same sex?
- Does the way in which your service is delivered restrict access to certain religious groups that have days of religious observance restricting or preventing them accessing services on those days?

- Is your service delivered in locations or environments that might preclude or restrict access to certain religious groups?

**Sex:** Man or woman.

The Sex Discrimination Act 1975 ensured that no person is treated less favourably because of his or her gender or because he or she is married.

**Sexual Orientation:** Whether a person's sexual attraction is towards

- Persons of the same sex (lesbians and gay men)
- Persons of the opposite sex (heterosexuals)
- Persons of the same sex and opposite sex (Bisexuals).

It does not cover sexual practices such as sado-masochism and paedophilia.

The Employment Equality (Sexual Orientation) Regulations 2003 ban discrimination in employment and vocational training on grounds of sexual orientation. Sexual orientation is defined as an orientation towards:

**Marriage or Civil Partnership:** Discrimination on grounds a persons marital status or civil partnership is illegal under the Equality Act 2010.