

# Equality Assessment

Title:	<b>Enforcement Policy</b>	
Version:	<b>1</b>	
Owner:	<b>Lorraine Poyser</b>	
Date sent to the Equalities Group:		

<b>VERSION</b>	<b>DATE</b>	<b>REVISION DESCRIPTION</b>	<b>APPROVAL DATE / REASON FOR REJECTION <i>(to be completed by Equalities Officer)</i></b>
1.0			

## Section 1: Getting Started

**Name of Policy, Procedure, Practice, Strategy or Service:** Enforcement Policy

**Service, Group, Team:** Executive Office

**Equality Assessment Lead Officer:** Lorraine Poyser

**Head of Service:** Lorraine Poyser

**Date:** 12<sup>th</sup> November 2013

## Section 2: What is being assessed?

*What are the broad objective(s) of the policy, procedure, practice, strategy or Service to be assessed?*

*What are you assessing and what is being affected*

*What needs is the policy/service designed to meet?*

*What are the current priorities and the intended outcomes?*

*You could also refer to your current Service Plans and how the policy/service fits into EBC's strategic objective*

*How does the policy, procedure, practice, strategy or service align with Corporate Priorities*

The aim of the council's enforcement role is to protect people at work, the general public and the environment from harm caused by failure to comply with the safeguards provided for in law. Our Enforcement Policy defines how all enforcement decisions will be made and actions made.

Wherever practicable, the council will ensure that our enforcement actions will:-

- aim to eliminate any financial gain or benefit from non-compliance;
- aim to change the behaviour of the offender;
- provide an opportunity for the person to put things right where possible;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and aim to deter future non-compliance;
- ensure that no improper/undue pressure from any source inside or outside the council affect those decisions; and
- ensure that all relevant information is given to the Defendant and to the Court as appropriate (as part of the informal action and/or in accordance with any relevant civil or criminal requirements).

Should enforcement be required actions will be delivered within the policy although some discretion may be required dependent on local circumstances.

Informal action could be

- Verbal advice;
- Verbal request for action;
- Written request for action; and/or
- Written warning of formal action, if contraventions are not corrected

Formal action could be

- Issue of a Fixed Penalty Notice
- Civil Proceedings
- Prosecution

A decision to take no action will be recorded in writing and will take into account the overall implications of the contravention.

### Section 3: Gathering Information

**What equality monitoring information do you gather and how is this information used to develop services, functions and policies at the current time.** *You could look at the take up of services, customer satisfaction (complaints and compliments) and enforcement action.*

**What does available data and the results of any consultations show about the take up of services? What is the impact on different groups? (qualitative and quantitative).** *You could look at:*

- *previous community consultation exercises,*
- *customer service reviews and analysis.*
- *Census data*
- *the experiences and views of front-line staff in relation to the provision of the service?*
- *location of facilities.*

**Remember:** by law you are required to be able to demonstrate, through data analysis and evidence, that you have considered the impact of your service on **ALL** of the relevant protected groups. This document is just a short summary of this process and a tool to help you to check that you have taken the Equality Act 2010 and the Council's equality objectives into consideration.

The Policy sets the direction under which all service specific enforcement must follow. We recognise that we have limited data available on which to monitor and effectively evaluate the application of the standards on the protected groups. To this end we will continue to meet as a working group once the Policy is approved and adopted to examine how this information can be collected.

## Section 4: Impact Assessment

*Here you need to analyse the needs of different groups and the possible impacts the service may have on them. List below any groups you need with to assess need or impact and methods used: (you may need to add extra rows)*

*How is the policy or decision likely to affect the **promotion of equality and the elimination of discrimination in each of the groups?***

Stake Holder Group	Specific Needs/Requirements in relation to the service	Possible Impact (positive and negative) of service
Age (older people, young people)	<p>The age of the person not complying with the Policy may be a consideration e.g. older person who may not understand information and/or guidance.</p> <p>Young people – may live independently and be subject to enforcement proceeding while legally a child.</p> <p>Older people: need to be sure who is at the door wishing to speak to them / trying to gain access to their homes. Possible confusion and dementia issues.</p>	<p><b>Negative</b></p> <ul style="list-style-type: none"> <li>• Technical language used in documents such as enforcement notices could be a problem for some younger or older people.</li> <li>• FPN ticket does not record age, disability or ethnicity and there are limitations to the size of the FPN ticket.</li> </ul>
People with Disabilities (Both physical and mental impairments)	<p>Learning – officers need to consider recipient’s ability to read, write and understand any legal consequences, scientific concepts and standards expected of them.</p> <p>Learning difficulties/ Dysphasia following stroke, may make some legal jargon/letters/notices difficult to understand.</p>	<p><b>Positive</b></p> <p>The service takes into account any disability before issuing an FPN, e.g. if a blind person was to drop litter they recognise that they would not be able to see a bin due to their impairment and no formal action would be taken, however advice would be given to the individual.</p> <p>2016 update – some customer facing staff have</p>

	<p>Mental health issues may affect behaviours leading to enforcement proceedings.</p>	<p>undertaken autism awareness training to improve the understanding of some issues residents may face.</p> <p><b>Negative</b></p> <ul style="list-style-type: none"> <li>Minor possible negative effect in that people with visual or other reading disabilities may not be able to read information in an on-site notice, or may not be able to complete a NID or other notice.</li> </ul>
<p>Gender (Women, Men, Transgender, Transsexuals)</p>	<p>Gender has not been identified as a factor effecting this policy</p>	<p>Gender would have a neutral impact when implementing this policy in-so-much as the policy applies equally to all people. The assessment as to whether it is applied equitably will be addressed through the collection of data and monitoring of impact.</p> <p>Staff will be trained on how to apply the Policy's principles.</p>
<p>Race (Black, Asian, Minority Ethnic groups. Include people whose first language is not English)</p>	<p>There is the potential for the establishment of unauthorised 'traveller sites' within the borough and ethnic minority-run food &amp; taxi businesses.</p> <p>The increase of Polish nationals to the area has also risen in recent years. These bring issues relating to respect of culture and language, both in communicating an alleged breach to the enforcement section as well as communicating with people who are being investigated for an alleged breach. Because of this there can be a lack of understanding of council regulations both in regard of making a complaint and when they are the reason for a complaint.</p> <p>As above:</p>	<p><b>Positive</b></p> <ul style="list-style-type: none"> <li>Officers make efforts to ensure letters and notices are understood e.g. visiting and reading out decision notice to a customer who could not read English and/or provide a translation service.</li> </ul> <p><b>Negative</b></p> <ul style="list-style-type: none"> <li>Religion/belief – where cultural issues require an accompanied visit we will ensure that this is done. Staff need to consider such requirements as part of their specific enforcement processes. (e.g. lone female Muslims may request female staff to conduct a visit). This will form part of the relevant staff training.</li> </ul>

	<ul style="list-style-type: none"> <li>• Potential language barriers – understanding enforcement notices, court proceedings</li> <li>• Cultural issues around allowing male officers to meet /address lone women.</li> </ul>	<ul style="list-style-type: none"> <li>• What about contacting our Polish community to ask them what help they can give and/or what's needed?</li> <li>• Trying to issue FPN's to people who do not speak English</li> </ul>
Sexual Orientation	Sexual orientation has not been identified as a factor effecting this policy	Sexual orientation would have a neutral impact when implementing this policy
Religion and belief	Where cultural issues require an accompanied visit staff need to consider such requirements as part of their specific enforcement processes. (e.g. lone female Muslims may request female staff to conduct a visit	<b>Positive</b> <ul style="list-style-type: none"> <li>• This will form part of the relevant staff training.</li> </ul>
Dignity, Human Rights and Socio-economic disadvantage	Socio-economic disadvantage has not been identified as a factor effecting this policy	Socio-economic disadvantage would have a neutral impact when implementing this policy

## Section 5: Actions

*How will you mitigate the possible negative impacts of the policy, procedure, practice, strategy or service*

Negative impact	Action required to mitigate any potential negative impact	Lead Officer	Deadline
FPN ticket does not record age, disability or ethnicity and there are limitations to the size of the FPN ticket.	Review the design of the ticket to include age, disability and ethnicity.		
Trying to issue FPN's to people who do not speak English	Simple translation cards for patrollers to carry with them		
Address any disproportionate application of enforcement to any one of the protected characteristics	The Enforcement working group will continue to meet with its focus on collating data and developing monitoring information on all	Assistant Chief Executive and Head of Environmental and Housing Services	To commence from April 2014.

	aspects of enforcement as applied in service delivery.		
	We will contact our Polish community to ask them what help they can give and/or what's needed in order to ensure compliance with the Policy standards.		
	Ensure visiting/enforcement officers always produce identification at all visits, unless doing so would compromise an investigation.		
Young people	If a young person is under 18 years of age ensure that the correct guidance is followed (Safeguarding Children Policy). Ensure an advocate is present when undertaking legal proceedings against a child/vulnerable adult.		
Vulnerable adults	Ensure that when taking enforcement actions against vulnerable adults that the relevant support agencies are alerted to offer any appropriate support. Ensure that legal services are aware of these factors if/when considering prosecution.		