

EQUALITY IMPACT ASSESSMENT (EIA) FORM

Name of Policy:	Corporate Enforcement Protocol
Lead Officer (responsible for assessment):	Sarah Steed
Department:	Legal Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Peer – other staff within Legal, Enforcement Officers (or officers with enforcement role within the Council). Enforcement Officers at ARP
Date EIA Completed:	September 2014

What is an Equality Impact Assessment (EIA)?

As part of any effective policy development process, it is important to consider any potential risks to those who will be affected by the policy's aims or by its implementation. The Equality Impact Assessment (EIA) process helps us to assess the implications of our decisions on the whole community, to eliminate discrimination, tackle inequality, develop a better understanding of the community we serve, target resources efficiently, and adhere to the transparency and accountability element of the Public Sector Equality Duty.

The word 'policy', in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision.

(a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The purpose of the Corporate Enforcement Protocol is to set out the corporate guiding principles by which legislation will be enforced by the Council in order to protect public health, safety, amenity and the environment within East Cambridgeshire. The Protocol will be reviewed every 2-3 years and as and when there are new statutory requirements.

The Council has specific Departmental enforcement policies, which are set out in Appendix A of the Protocol. This document does not seek to duplicate these specific policies but to provide an overarching enforcement framework that complies with Central Government and enforcement agencies guidance and other statutory provisions and requirements.

(b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

The Protocol sets out the overarching agreed basis for all enforcement proceedings and will therefore provide a guide to the Council and any Officers involved in taking enforcement action. The Protocol should benefit individuals, businesses and officers as a consistent and fair approach should be applied in each individual case.

Adherence to the Protocol means that as and when Officers consider such action appropriate, they have to undertake a thorough consideration of the evidence and public interest in pursuing enforcement action.

(c) Is the EIA informed by any information or background data (quantitative or qualitative)? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

Consultation will be carried out internally and the Protocol will be sent to Departments/ Officers that deal with enforcement work including ARP who carry out the Council's Council Tax and benefit investigation and enforcement. The majority of the content of the policy is based upon legislation and Government guidance.

A public consultation exercise on the Code for Crown Prosecutors issued by the Director of Public Prosecutions by the Crown Prosecution Service in February 2010.

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply)

Ethnicity	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	Religion and Belief	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

The protocol has a positive impact as it sets out that any decision to investigate or undertake enforcement action is based on the evidence available and following a decision that public interest test is satisfied to undertake enforcement action. The Council will ensure that any identified protected characteristic as highlighted above will have no bearing on decisions regarding enforcement.

A further positive impact of the protocol is that it sets out clear and transparent stages that Officers of the Council will follow when conducting enforcement action. This highlights that the Council will in the first instance adopt an informal approach and will try to work with the individuals in order to resolve the issue for example providing advice and assistance before considering more formal action, which is to be assessed on a case by case basis.

A potential negative barrier / adverse impact identified is that the Corporate Enforcement Protocol is available on the internet in English, although the Protocol can be provided in alternative formats or languages upon request.

(e) Does the policy have a differential impact on different groups?	<input type="checkbox"/>	NO
(f) Is the impact adverse (i.e. less favourable)?	<input type="checkbox"/>	NO
(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?	<input type="checkbox"/>	NO

(h) How have you engaged stakeholders in gathering evidence or testing the policy proposals? Who was involved, how and when where they engaged? Does the evidence show potential for differential impact? How will you mitigate any negative impacts? Where there is the potential for an adverse impact that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the EIA.

The Council's Corporate Enforcement Protocol uses the principles laid out in the Central and Local Government Concordat on Good Enforcement, Legislative Regulatory Reform Act 2006 and the Regulators Code 2014. The decision to undertake enforcement action is undertaken in accordance with the Code for Crown Prosecutors issued by the Director of Public Prosecutions. The majority of the content of the policy is based upon legislation and Government guidance and there is therefore limited scope for local interpretation.

* The Consultation Register is available to assist staff in consulting with the Council's stakeholders.

(i) Summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

The Corporate Enforcement Protocol provides an enforcement framework that follows the principles of the Central and Local Government Concordat on Good Enforcement (1) the Legislative and Regulatory Reform Act 2006 (2) Regulators Code April 2014

The Protocol is based and governed by Legislation, Central Government guidance and the Code for Crown Prosecutors issued by the Director of Public Prosecutions, which is a widely accepted tool for considering formal action. There is therefore limited scope for local interpretation, however having a Protocol which sets out the process that the Council will undertake when considering enforcement action will ensure a more consistent approach.

(j) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

Reputation

As a Local Authority, the Council must comply with all legislation requirements relevant to Enforcement proceedings including (but not limited to): the Enforcement Concordat, Legislative and Regulatory Reform Act 2006, Regulators Code 2014. As such the Council must ensure that its Officers carry out their duties and responsibilities in accordance with the Corporate Enforcement Protocol and also ensure that the Protocol is available to all in a form which individuals can access and understand.

Financial

Financial implications associated with this policy include the cost of the provision of the Protocol in an alternative format and the cost of enforcement action proceedings.

Breach of Legislation

There is a risk that if Officers do not comply with the Corporate Enforcement Protocol that not only are they not acting within their own delegated authority but they could be acting outside of the law.

Lack of resources

Delays in copies of the Corporate Enforcement Protocol being provided in alternative formats.

Lack of co-operation

There could be problems if Officers do not comply with the Corporate Enforcement Protocol as detailed above they could be acting outside of their delegated authority or outside of the law which could interfere with the ability to be able to commence / proceed with or success of enforcement proceedings.

Insufficient Budget

This could result in the lack of resource to be able to undertake enforcement action.

(k) Use the information gathered in the earlier stages of your EIA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major change - the evidence shows that the policy is robust and no potential for discrimination.	x
Option 2:	Adjust the policy - to remove barriers or to better promote equality.	
Option 3:	Continue the policy - despite potential for adverse impact or missed opportunity to promote equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Option 4:	Stop and remove the policy – if the policy shows adverse effects that cannot be justified.	

(l) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

There should be no unlawful discrimination as the Protocol is designed to make sure that everyone is aware of the basis on which the Council will investigate alleged offences and take enforcement action. The fact that the Enforcement Protocol is provided in the first instance in English could be a potential negative barrier however this can be mitigated by the provision of the Protocol in an alternative format when required.

This completed EIA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to the Principal HR Officer.**

All completed EIAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you may be asked to attend a half-an-hour session to summarise the findings of the EIA to the Scrutiny and Verification panel.

Signatures:

	Sarah Steed	17.10.14
Completing Officer:	_____	Date: _____
	Amanda Apcar	17.10.14
Principal Solicitor :	_____	Date: _____