

## EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

<b>Date:</b> Wednesday 20th March, 2024
<b>Time:</b> 2.30 pm
<b>Venue:</b> Spencer Room, Municipal Buildings

### AGENDA

- |    |   |         |
|----|---|---------|
| 1. | Corporate Equality and Inclusion Policies - triennial refresh | 3 - 44  |
| 2. | Debt Management Policy  | 45 - 74 |
| 3. | Discretionary Housing Payment Policy                          | 75 - 96 |

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Thursday 14 March 2024

### MEMBERSHIP

Councillors N Walker

### Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne McNally, 01642 728329, [joanne\\_mcnally@middlesbrough.gov.uk](mailto:joanne_mcnally@middlesbrough.gov.uk)

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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance Services
<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
<b>Submitted to:</b>	Executive Member for Finance and Governance
<b>Date:</b>	20 March 2024
<b>Title:</b>	Corporate Equality and Inclusion Policies – triennial refresh
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Strategic priority:</b>	All
<b>Key decision:</b>	No
<b>Why:</b>	Decision does not reach the threshold to be a key decision
<b>Subject to call in?:</b>	Yes
<b>Why:</b>	Not urgent

<b>Proposed decision(s)</b>
That the Executive Member for Finance and Governance approves the triennial review of the Corporate equality and inclusion policies. Equality and Inclusion Policy (Appendix 1), Equality Monitoring Policy (Appendix 2), Impact Assessment Policy (Appendix 3) and the Monitoring of Hate Incidents Policy (Appendix 4).

<b>Executive summary</b>
The report seeks approval for proposed revisions to four of the Council’s corporate equality and inclusion policies following their scheduled triennial review in order to ensure continued compliance with the Equality Act 2010.

## **Purpose**

1. This report presents and seeks approval of the proposed revisions to four of the Council's equality and inclusion policies following their scheduled triennial review in order to ensure our continued compliance with the Equality Act 2010.

## **Recommendations**

2. That the Executive Member for Finance and Governance approves the triennial review of the Corporate equality and inclusion policies. Equality and Inclusion Policy (Appendix 1), Equality Monitoring Policy (Appendix 2), Impact Assessment Policy (Appendix 3) and the Monitoring of Hate Incidents Policy (Appendix 4)..

## **Rationale for the recommended decision(s)**

3. Consideration of policies required to ensure compliance with the Equality Act 2010 is a duty reserved to the Executive Member for Communities and Education within the Executive Scheme of Delegation.

## **Background and relevant information**

4. The Equality Act 2010 places a Public Sector Equality Duty (PSED) on the Council and is supported by specific equality regulations that the Council must also comply with.
5. The PSED requires that when taking decisions the Council must have due regard to the need to:
  - eliminate discrimination, harassment and victimisation;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
6. Furthermore, the Act states that compliance with this duty may involve:
  - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
  - Encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 7. The PSED states consideration should also be given to the steps involved in meeting the needs of disabled persons where they are different from the needs of people who are not disabled including, in particular, steps to take account of disabled persons' disabilities.
  
- 8. The protected characteristics set out in the Equality Act 2010 are:
  - age;
  - gender reassignment;
  - race;
  - sex; and
  - disability;
  - pregnancy and maternity.
  - religion or belief.
  - sexual orientation
  
- 9. The Act is supported by specific regulations, which place additional duties upon the Council. It is required publish information to demonstrate compliance with the PSED. The Council must also prepare and publish one or more specific and measurable objectives it thinks it should achieve to enable it to meet the general PSED.
  
- 10. The Council has in place the following corporate equality and inclusion policies as part of a range of measures to ensure compliance with the PSED:
  - **Equality and Inclusion Policy:** This policy sets out how the Council will ensure customers, employees and job applicants are treated fairly and in line with the protections set out for relevant characteristics within the Equality Act 2010.
  - **Equality Monitoring Policy:** This policy establishes a consistent approach to the collection of user equality and diversity data within the development and delivery of Council services. Provision of this data is discretionary in some cases, but ensures that the Council is able to understand the impacts of its decisions and services on different groups (including its employees) and communities. The policy was amended to align with revisions to equality monitoring questions used within the latest Census, conducted in 2021. This will enable toe council to be able to compare data gathered using this policy to wider population level data within the Census. The policy continues to contain provisions to enable the Council to expand question sets within targeted consultation to gain richer feedback.
  - **Impact Assessment Policy:** This policy sets out the process to be followed to ensure officers developing recommendations fully understand and weigh the consequences of possible and actual interventions and articulate these effectively to decision-makers. It ensures that appropriate consideration is given to the PSED.
  - **Monitoring of Hate Incidents Policy:** This policy sets out how the Council will collate details of hate incidents either witnessed by its staff or reported to them. Hate crimes will also be reported to the Police. The process underpinning the policy has been amended as part of the review to strengthen it and includes an appendices of support services available locally to those who need support and or have been affected by a hate incident.

11. These policies are reviewed every three years unless there are changes to legislation in the intervening period that would require an earlier review.

**Other potential alternative(s) and why these have not been recommended**

12. The Council could choose not to adopt corporate policies on equality and inclusion, however legal duties would remain in place and in the absence of a standard approach there would be an increased risk of making decisions that fail to meet those legal duties. Given these duties are in place this option is not recommended.

**Impact(s) of the recommended decision(s)**

***Financial (including procurement and Social Value)***

13. There are no additional financial costs associated with the approval of these recommendations.

***Legal***

14. The policies will continue to ensure that the Council conducts its business and decision making in line with the requirements of the Equality Act 2010.

***Risk***

15. Approval of the policies will positively impact on risks within the Council's risk registers, primarily the risk that the Council fails to comply with the law.

***Human Rights, Public Sector Equality Duty and Community Cohesion***

16. The proposed policy has been subject to Level 1 (screening) impact assessment (at Appendix 3). This assessment identified that no negative differential impacts on diverse groups and communities within Middlesbrough is anticipated from the implementation of the policy. It is found that these policies would have a positive impact on all groups in ensuring that the Council maintains a standard approach in continuing to be compliant with the PSED.

***Climate Change / Environmental***

17. There are no climate or environmental impacts associated with the proposed policy.

***Children and Young People Cared for by the Authority and Care Leavers***

18. There are no direct implications arising from this Policy on this group as identified in the equality impact assessment (Appendix 2).

***Data Protection / GDPR***

19. These policies aim to protect individual rights against the legislation in relation to their protected characteristics.

**Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
Publication of the policies on the MBC Website and Intranet pages	L Hamer	31/03/2024

**Appendices**

1	Equality and Inclusion Policy
2	Equality Monitoring Policy
3	Impact Assessment Policy
4	Monitoring of Hate Incidents Policy
5	Impact Assessment Level 1: Initial screening assessment – all policies

**Background papers**

Body	Report title	Date
Executive Member for Finance and Governance	Equality and Diversity Policies	11/02/2021 Refresh

**Contact:** Leanne Hamer, Governance and Information Manager  
**Email:** leanne\_hamer@middlesbrough.gov.uk

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## Equality and Inclusion Policy 2024-27

<b>Creator</b>	Author(s)	Ann-Marie Johnstone, Leanne Hamer		
	Approved by			
	Department	Legal and Governance Services		
	Service area	Strategy, Information and Governance		
	Head of Service	Ann-Marie Johnstone		
	Director	Charlotte Benjamin		
<b>Date</b>	Created	2019/02/28		
	Submitted	2019/02/28		
	Approved	2019/06/04		
	Updating Frequency	3 years		
<b>Status</b>	Version: 1			
<b>Contributor(s)</b>	Head of Strategy, Information and Governance (SIRO)			
<b>Subject</b>	Equality and Inclusion			
<b>Type</b>	Policy			
	Vital Record		EIR	
<b>Coverage</b>	Middlesbrough Council			
<b>Language</b>	English			
<b>Document Control</b>				
<b>Version</b>	<b>Date</b>	<b>Revision History</b>		<b>Reviser</b>
1.1	July 2018			AM Johnstone
2.0	February 2021			AM Johnstone
3.0	February 2024	Revised		L Hamer
<b>Distribution List</b>				
<b>Version</b>	<b>Date</b>	<b>Action</b>		<b>Name</b>
1.1				
2.0				
3.0	March 2024	Publication		L Hamer
<b>Contact:</b>	<a href="mailto:data@middlesbrough.gov.uk">data@middlesbrough.gov.uk</a>			

## **Introduction**

This policy sets out Middlesbrough Council's commitment to equality and inclusion and details how considerations relating to equality and inclusion are embedded within corporate governance to ensure that the Council complies with its legal and moral obligations.

## **Aims**

This policy will ensure that the Council:

- has due regard to its duties under the Equality Act 2010;
- provides fair access to employment, promotion, recruitment, selection and training opportunities
- prevents discrimination, harassment or victimisation wherever possible, and is dealt with effectively if it does occur.

## **Scope**

This policy applies to all residents of Middlesbrough and users of the Council's services, direct employees, prospective employees, volunteers and others delivering services on behalf of the Council.

## **The Council's commitment to equality and inclusion**

As a community leader in Middlesbrough, the Council will:

- celebrate the diversity of the town;
- promote tolerance, fairness and community cohesion; and
- encourage and support all local people to be active in public life.

This commitment is embedded within the Council's Strategic Plan and its supporting policy framework.

As a commissioner and provider of services, the Council will:

- seek the views of local communities and service users through meaningful engagement, as appropriate;
- ensure that it understands local needs and shapes services around these needs where practicable;
- provide clear, accessible information about its services; and
- ensure that all customers are treated with dignity and respect, as outlined in its Customer Charter.

As an employer, the Council will:

- ensure that its recruitment and employment practices are fair and transparent;
- take steps wherever possible to employ a workforce that reflects local diversity;
- undertake clear and open communication with its employees;
- ensure employees have fair access to learning and development opportunities where necessary to ensure they have the skills to deliver; and

- ensure that its employees are protected from discrimination, harassment or victimisation as far as is reasonably possible to do so.

## **Policies and practices in place to deliver the Council's commitment**

The Council's commitment to equality and inclusion is embedded within the following strategies, policies, procedures and action plans:

- Impact Assessment policy
- Equality Monitoring policy
- Reviews, Consultation and Redundancy
- Corporate Procurement strategy
- Corporate Complaints procedure
- Dignity and Respect at Work
- Recruitment and Selection process
- Family, leave and work life balance
- Whistleblowing policy
- Appraisals
- Code of Conduct
- Behaviour and Standards
- Managing health, attendance and wellbeing

The Council is committed to promoting a diverse and inclusive community – a place where we can all be our true selves. Equality, diversity, and inclusion is at the heart of our values, and we're committed to having an inclusive workforce which represents the communities we serve. We aim to create opportunities and reduce barriers for everyone, particularly under-represented groups. We are committed to making sure there is no unjustified discrimination in our processes for recruitment and selection, performance management and pay, and that promotion and retention is fairly granted across all our operations.

We have built a number of staff-led diversity networks, which are aimed at creating better engagement and making sure that our staff feel seen, connected, and supported. The work of our networks includes a focus on shaping organisational culture to create fairer and more inclusive work environments for all. Each network has specific objectives but all of them share the aim of providing a sense of community, inspiring and raising awareness of diversity, and creating a genuinely inclusive culture at Middlesbrough Council. In addition to the networks we have a dedicated Equality Inclusion Working Group, which is led by the Leadership Team.

## **Monitoring and reporting**

The Council has a range of measures in place to ensure that it can monitor the effectiveness of its work to ensure fair and equitable outcomes. Progress against these measures is monitored within the Council's performance management framework.

## **Review**

The effectiveness of the Council's overall approach to equality and inclusion is evaluated every year within the Annual Equality and Inclusion report. The report summarises the work of the Council that has been undertaken in the previous calendar year and identifies areas for improvement. The next report will be completed March 2024.

## **Further information**

Further information on the Council's approach to equality and inclusion can be found on the Council's website and intranet.

**Author:** Leanne Hamer, Governance and Information Manager  
[Leanne\\_hamer@middlesbrough.gov.uk](mailto:Leanne_hamer@middlesbrough.gov.uk)

# EQUALITY MONITORING FORM



We want to make sure that all our services are delivered fairly. We are therefore asking you the following questions so that we can make sure that the services meet everyone's needs where reasonable and practicable.

You do not have to answer these questions but by answering these questions you will help us to ensure our services are fair and accessible to all.

The information you will provide will be kept confidential.

We will use your answers to pull together statistical information that the Council will use to check the fairness of our services. Results of this anonymised monitoring information will be shared within the Council, however individuals will never be identified.

## GENDER

Are you male or female? (Please tick one box only)

Male	<input type="radio"/>	Female	<input type="radio"/>	Prefer not to say	<input type="radio"/>
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Is the gender you identify with the same as your sex registered at birth?

Yes	<input type="radio"/>	No	<input type="radio"/>	Prefer not to say	<input type="radio"/>
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## AGE

Please indicate which of these bands you fit into? (Please tick one box only)

16 - 24	<input type="radio"/>	45 - 54	<input type="radio"/>	65 - 74	<input type="radio"/>
25 - 34	<input type="radio"/>	55 - 59	<input type="radio"/>	74+	<input type="radio"/>
35 - 44	<input type="radio"/>	60 - 64	<input type="radio"/>	Prefer not to say	<input type="radio"/>

## DISABILITY

Do you consider yourself to be a person with a disability (Under the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities) (Please tick one box only)

Yes	<input type="radio"/>	No	<input type="radio"/>	Prefer not to say	<input type="radio"/>
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## ETHNICITY

To which of these groups do you consider you belong?

White		Black or Black British Caribbean or African		Other ethnic group	
British	<input type="radio"/>	Caribbean	<input type="radio"/>	Arab	<input type="radio"/>
Irish	<input type="radio"/>	African	<input type="radio"/>	Any other background, please write below	
Gypsy or Irish Traveller	<input type="radio"/>	Any other Black background (please write below)			
Roma	<input type="radio"/>			Prefer not to say	<input type="radio"/>
Any other White background (please write below)				Mixed or Multiple ethnic groups	
				White & Black Caribbean	<input type="radio"/>
Asian or British Asian		Chinese	<input type="radio"/>	White & Black African	<input type="radio"/>
Indian	<input type="radio"/>	Any other Asian background (please write below)		White & Asian	<input type="radio"/>
Pakistani	<input type="radio"/>			Any other Mixed or Multiple background (write below)	
Bangladeshi	<input type="radio"/>				

## RELIGION OR BELIEF

What is your religion or belief? (Please tick one box only)

Christian (including Church of England, Catholic, Protestant and all other Christian denominations)				<input type="radio"/>
Muslim	<input type="radio"/>	Buddhist	<input type="radio"/>	Any other religion - please write below
Sikh	<input type="radio"/>	Jewish	<input type="radio"/>	
Hindu	<input type="radio"/>	No religion	<input type="radio"/>	Prefer not to say
				<input type="radio"/>

## SEXUAL ORIENTATION

What is your sexual orientation/sexuality? (Please tick one box only)

Heterosexual or Straight	<input type="radio"/>	Prefer not to say	<input type="radio"/>
Gay/Lesbian	<input type="radio"/>	Other sexual orientation	<input type="radio"/>
Bisexual	<input type="radio"/>		

If you want to know more about the information the Authority holds about you, or the way the Authority uses that information please contact the Data Protection Officer, PO Box 503, Town Hall, Middlesbrough, TS1 9FX.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act.



## Impact Assessment Policy 2024-27

<b>Creator</b>	<b>Author(s)</b>	Ann-Marie Johnstone		
	<b>Approved by</b>	Executive Member for Finance and Governance		
	<b>Department</b>	Legal and Governance Services		
	<b>Service area</b>	Governance, Policy and Information		
	<b>Head of Service</b>	Ann-Marie Johnstone, Head of Governance, Policy and Information		
	<b>Director</b>	Charlotte Benjamin, Director of Legal and Governance Services		
<b>Date</b>	<b>Created</b>	September 2017		
	<b>Submitted</b>	November 2023		
	<b>Approved</b>	February 2024		
	<b>Updating Frequency</b>	3 years		
<b>Status</b>	Version: 7			
<b>Contributor(s)</b>	Head of Governance, Policy and Information (SIRO). Policy Business Partner			
<b>Subject</b>	Impact Assessments			
<b>Type</b>	Policy			
	Vital Record	Yes	EIR	n/a
<b>Coverage</b>	Middlesbrough Council			
<b>Language</b>	English			
<b>Document Control</b>				
<b>Version</b>	<b>Date</b>	<b>Revision History</b>	<b>Reviser</b>	
4.0	May 2014	Revision to include health impact assessments following transfer of public health duties	Ann-Marie Johnstone	
5.0	February 2018	3 year revision	Ann-Marie Johnstone	
6.0	February 2021	3 year Revision	Ann-Marie Johnstone	
7.0	December 2023	Review to include consideration of impacts on the Armed Forces duty, inclusion of care leavers	Shagufta Hussain, Ann-Marie Johnstone	
<b>Distribution List</b>				
<b>Version</b>	<b>Date</b>	<b>Name/Service area</b>	<b>Action</b>	
3.0	September 2013	All staff via the staff intranet	dissemination	
4.0	May 2014	All staff via the staff intranet	dissemination	
5.0	March 2018	All staff via intranet	dissemination	
6.0	February 2021	All staff via intranet	dissemination	
7.0	February 2024	All staff via intranet	dissemination	

**Contact:** [data@middlesbrough.gov.uk](mailto:data@middlesbrough.gov.uk)

## Appendix 3

### Introduction

Impact Assessment (IA) is a continuous process to help decision-makers fully understand and weigh the consequences of possible and actual interventions. In general terms, decisions relating to the following must be considered for impact-assessment:

- new or revised strategies, policies or procedures;
- new or revised services/functions, programmes or projects;
- taking decisions to cease services and/or contracts where they are delivering services that are relevant to the Public Sector Equality Duty; or
- budget reductions or investment proposals impacting on services.<sup>1</sup>

IA has multiple legal drivers, notably in relation to the Human Rights Act 1998 and groups protected under UK equality law. A decision that results in *unjustified* adverse impacts on human rights or on those groups or communities of interest protected by law is unacceptable.

The preparation and publication of IAs ensures fairness and transparency in decision-making and enables those with an interest to understand and challenge the rationale for decisions and understand how, and to what extent the decision is likely to impact on them.

This Policy sets out how the Council will undertake IAs to ensure compliance with statutory and best practice requirements and consistency in approach across the organisation.

### Statutory drivers

#### Equality Act

The Public Sector Equality duty, contained in the Equality Act (2010) requires that the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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<sup>1</sup> Please note that the application of policies in individual circumstances is also subject to the equality duty.



## Appendix 3

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

N.B. There are also certain protections in place for carers and marriage and civil partnerships in relation to the prevention of discrimination.

Non-compliance with this requirement opens the Council to the risk of challenge via the Local Government Ombudsman, judicial review or another process, which could result in the decision being overturned and significant costs and reputational damaged incurred.

The Act provides protection from direct discrimination, indirect discrimination, harassment or victimisation because someone holds one of the protected characteristics. For the purposes of impact assessments, it is particularly important to consider whether there could be any unintentional barriers to accessing a service which could result in indirect discrimination. For example, placing a service in a building that is not accessible could mean people with a disability could have difficulty accessing services.

### Armed Forces Covenant Statutory Duty

The Armed Forces Act 2021 placed a legal obligation on the Council that it must have due regard to the following when exercising 'a relevant function':

- the unique obligations of, and sacrifices made by, the Armed Forces
- the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces, and
- the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.

The functions this duty applies to are:

- Health - provision of services; planning and funding; and co-operation between bodies and professionals for local authority delivered healthcare services.
- Education - Compulsory education settings: admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and use of Service Pupil Premium funding.
- Housing - allocations policy for social housing; tenancy strategies; homelessness; and disabled facilities grants.

### Non-Statutory Drivers

#### *Care Leavers*

In addition to legal protections that may exist under the Public Sector Equality Duty, the Council has chosen to include Care Leavers as a separate grouping within its impact assessment policy. Where the impact assessment process is required, consideration must be given to the impact a decision will have on care experienced people.

#### *Standardised report formats*

## Appendix 3

The Council has a comprehensive set of report standards that combine with the impact assessment process to ensure that due regard is given not only to the statutory requirements set out above but also to wider implications of the decision. This enables a full and integrated assessment of the impacts of the decision to be presented to decision-makers and stakeholders<sup>2</sup>. Appendix 1 provides a flow chart to assess whether an impact assessment may be needed. Appendix 2 sets out background and signposts to further information on areas to be considered in impact assessment. Appendices 3 and 4 contain the Impact assessment templates

### Corporate Impact Assessment process

There are two levels to the Council's IA process:

Level 1: Initial screening assessment (Appendix 3)

Level 2: Full impact assessment (Appendix 4).

#### Level 1: Initial screening assessment

A Level 1 assessment must be completed where decisions are potentially relevant to the Public Sector Equality Duty (or reviewed/updated if one has been completed previously) for:

- new or revised strategies, policies or procedures;
- new or revised services/functions, programmes or projects; or
- budget reductions or investment proposals impacting on services<sup>3</sup>.

The Level 1 template is attached at Appendix 3. It represents a simple test to determine whether:

- there will be no negative impacts as a result of the decision; or
- there will be some negative impacts as a result of the decision;
- taking decisions to cease services and/or contracts where they are delivering services that are relevant to the Public Sector Equality Duty (PSED) could have a negative impact; or
- the impacts of the proposed decision are unknown.

In the event that **sufficient evidence** is available to say with certainty that no negative impacts on the areas assessed will result from the implementation of the decision, then the process completes at Level 1. A Level 2 assessment must be completed where it is known that there will be adverse impacts or where the probable impact is uncertain. As the process implies, completion of an IA must be embedded within the policy / decision development process and it should commence when the process is at a formative stage. i.e. the findings of the impact assessment process should shape the development of the proposed policy / decision.

Where the Council shares responsibility for the implementation of the decision, all responsible parties should jointly complete the Level 1 assessment. Where the Council has

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<sup>2</sup> Environmental Impact Assessment is a specific technical requirement for certain types development consent, and so is not included within this process.

<sup>3</sup> The [Equality and Human Rights Commission](#) provides further guidance on the particular issues around impact assessments and their role in financial decisions.

## Appendix 3

some involvement in a policy determined elsewhere, then the Council's IA will only be done on the part of the policy performed by the Council.

As an IA progresses, it may become evident that other policies or functions will be affected by proposed changes to the specific area under assessment. In such instances, the full impact of the decision, including knock-on effects for related areas, can be assessed in a single exercise.

The complexity of an IA will be shaped by the extent to which a proposal is relevant to the equality duty and the nature of the proposal. The most complex and contentious IAs are likely to require a significant length of time to compile and analyse the relevant evidence.

### **Level 2: Full impact assessment**

A Level 2 assessment must be undertaken where the Level 1 assessment has identified potential negative impacts or uncertainty around impacts in relation to the statutory PSED. The purpose of the Level 2 is to ensure the PSED is fully considered. Action must be taken to gather evidence where there is uncertainty around impacts. The Council will also require a level 2 IA for the non-statutory elements of this policy, following the same principles.

If a proposal could have an adverse impact, level 2 must quantify impacts where they were unknown at level 1 and assess whether that impact could be avoided, if it cannot be avoided then can it be mitigated. Finally, if it cannot be avoided or mitigated, can it be justified.

Impacts can be either:

**None:** there will be no change in the outcomes experienced by groups or individuals that hold a particular protected diversity characteristic as a result of the decision.

**Positive:** will actively promote equality of opportunity for one or more groups or individuals that hold a particular protected diversity characteristic, improve equal opportunities / relations between groups or bring benefits in line with the Councils' agreed strategies.

**Negative:** will cause disadvantage or exclusion, or hinder the achievement of the Councils' agreed strategies. If such an impact is identified the IA should consider whether it can be avoided. If it cannot be avoided then consideration should be given to mitigating the impact by minimising it or counter balancing it with other measures. If it cannot be, then the decision can only be taken if there is sound justification for it.

### **Quality checking**

Each completed IA (both Level 1 and 2) must be approved and signed-off by the appropriate Head of Service. It is the author's responsibility to ensure that the completed document meets the required standards of the organisation. The Governance and Information manager can provide advice and guidance on the content of impact assessments.

Further guidance on the legal requirements of the impact assessment process is available from the [Equality and Human Rights Commission](#). Government also publish detailed guidance on lawful decision that includes sections on consultation, human rights and the Public Sector Equality Duty. Entitled: [Judge on your Shoulder](#).

## Appendix 3

### **Reporting**

The report seeking approval for the recommended option must outline the findings of the IA in the main body of the report, and attach the IA document(s) as an appendix. Where multiple IAs have been completed, all IAs must be appended to the report.

The IA process is set out in full in the flow chart at Appendix 1.

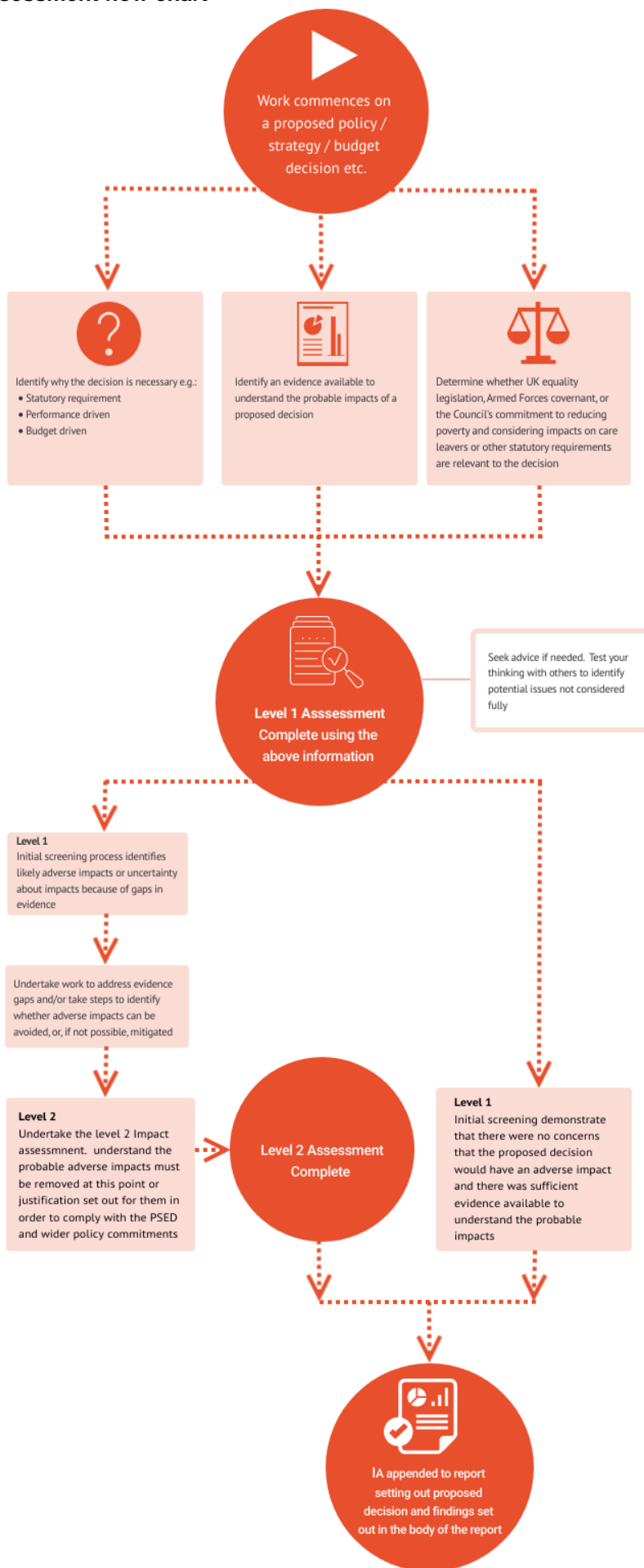
### **Review**

This policy will be reviewed every three years, unless there is case law or new legislation in the interim that means the policy is no longer fit for purpose.

### **Contact:**

Ann-Marie Johnstone  
Head of Governance, Policy and Information  
[ann-marie\\_Johnstone@middlesbrough.gov.uk](mailto:ann-marie_Johnstone@middlesbrough.gov.uk)

# Appendix 1: Impact Assessment flow chart



## Appendix 2: What Needs To Be Considered In Impact Assessments?

### 1. Human Rights

The Human Rights Act 1998 (in effect from October 2000) makes part of UK law the 16 basic rights contained in the 1951 European Convention on Human Rights and subsequent protocols:

- The right to life (Article 2) *Absolute right*
- The right not to be tortured or treated in an inhuman or degrading way (Article 3) *Absolute right*
- The right to be free from slavery or forced labour (Article 4) *Absolute right*
- The right to liberty (Article 5) *Limited right*
- The right to a fair trial (Article 6) *Limited right*
- The right to no punishment without law (Article 7) *Absolute right*
- The right to respect for private and family life, home and correspondence (Article 8) *Qualified right*
- The right to freedom of thought, conscience and religion (Article 9) *Qualified right*
- The right to freedom of expression (Article 10) *Qualified right*
- The right to freedom of assembly and association (Article 11) *Qualified right*
- The right to marry and found a family (Article 12) *Limited right*
- The right not to be discriminated against in relation to any of the rights contained in the European Convention (Article 14) *Qualified right*
- The right to peaceful enjoyment of possessions (Article 1 of Protocol 1) *Qualified right*
- The right to education (Article 2 of Protocol 1) *Qualified right*
- The right to free elections (Article 3 of Protocol 1) *Qualified right*.

It is unlawful for public authorities to act in a way that is incompatible with a Convention right and anyone who feels that a public authority has acted incompatibly with their Convention rights can raise this before an appropriate UK court or tribunal. Many everyday decisions taken in the workplace are not affected by human rights. Nevertheless, the Council has an obligation to act in accordance with the Convention rights.

Not all the Convention rights operate in the same way. Some are 'absolute' while others are 'limited' or 'qualified' in nature.

**Absolute rights:** States cannot opt out of these rights under any circumstances – not even during war or public emergency. There is no possible justification for interference with them and they cannot be balanced against any public interest. Examples of absolute rights are the prohibition of torture and inhuman or degrading treatment in Article 3, and the prohibition of slavery in Article 4(1).

**Limited rights:** These are rights that are not balanced against the rights of others, but which are limited under explicit and finite circumstances. An example is the right to liberty and security in Article 5.

**Qualified rights:** These are rights that can be interfered with in order to protect the rights of other people or the public interest. Interference with qualified rights may only be justified where the restriction:

- is lawful – this means that it is in accordance with the law, which must be established, accessible and sufficiently clear

- has a legitimate aim – the restriction must pursue a permissible aim as set out in the relevant Article. Public authorities may only rely on the expressly stated legitimate aim when restricting the right in question. Some of the protected interests are: national security, the protection of health and morals, the prevention of crime, and the protection of the rights of others
- is necessary in a democratic society – the restriction must fulfill a pressing social need and must be proportionate to that need.

The British Institute of Human Rights provides further information: [British Institute of Human Rights \(bihr.org.uk\)](http://bihr.org.uk).

**If there is any concern that a decision could contravene the Human Rights Act, advice should be sought from the Monitoring Officer before proceeding.<sup>4</sup>**

## **2. Equality**

The Equality Act 2010 requires that the impact of recommendations is considered as part of the decision making process. Section 149 of the Act requires that the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The characteristics that are protected by the equality duty are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Protected characteristic	Guidance
<b>Age</b>	The Act includes specific protections against age discrimination in employment and the provision of services in certain circumstances. Age restrictions may be justified if it is necessary to provide age-appropriate services.
<b>Disability</b>	<p>Equality legislation protects people with a disability from indirect discrimination. Consideration should therefore be given to universal policies that may inadvertently place someone at a disadvantage because of their disability.</p> <p>The Equality Act includes the requirement that reasonable adjustments are made to ensure people are not treated unfavourably because of their disability. The Act makes clear that it is lawful to treat a disabled person more favourably than a non-disabled person as part of steps to ensure they achieve equal outcomes.</p> <p>Impact assessments will focus on considering whether there could be adverse impacts on people with disabilities because of a proposal, whether those impacts would be disproportionate and would also give consideration to treating those with a disability differently to support achievement of equal outcomes.</p> <p>Evidence of the removal or minimisation of barriers and any provisions that have been put in place to support the achievement of equal outcomes should be included within an IA. Barriers to access for people with disabilities could include physical access issues; lack of provision of information in a format that meets; or unnecessary criteria or practices that would put a disabled person at a substantial disadvantage compared to someone without a disability.</p>
<b>Gender reassignment</b>	The Equality Act 2010 provides protections for people undergoing gender reassignment. There have been a number of studies undertaken either at the national level or in other areas of the country, which could be used to inform judgements in the first instance. The numbers of people within the local transgender community are quite small, therefore it is more difficult to gather data on the impact of decisions on this group of people at the local level.
<b>Pregnancy and maternity</b>	The Equality Act 2010 has included some protections for pregnancy and maternity as a diversity characteristic and includes a series of protections from discrimination in both work and non-work cases to protect women who are pregnant or on maternity leave from being treated unfavourably.
<b>Race</b>	Issues that might be relevant when considering the impact of a proposal on race may be whether a group could be disproportionately adversely affected by the proposal because of its location, the nature of the service, its target audience.
<b>Religion or belief</b>	Religion or belief can affect lifestyle in terms of dress, diet and daily observances. Evidence to support the assessment could include sensitivity around these issues where applicable, which could lead to considerations such as the timing of events, food and refreshments provision, uniform requirements etc.
<b>Sex</b>	Non-gender specific services that are predominantly accessed by male or female service users might indicate the existence of barriers. The <a href="#">Equality and Human Rights Commission</a> provides detailed guidance on gender rights. There are a number of data sources containing results that are disaggregated by sex which could be used to support assessments of impact.
<b>Sexual Orientation</b>	Sources of evidence to help make an informed assessment can include customer data if sexual orientation is gathered within equal opportunities forms. Where there are gaps in information, there are a number of advocacy groups (local and national) that could provide sources of evidence. There are also a number of studies that have been undertaken at a national level by both Stonewall and the Equality and Human Rights Commission that may be relevant to the decision.

Examples of where court cases have been brought against public authorities, using the provisions set out in the PSED:

- A Council successfully defended a legal challenge that alleged it had failed to have due regard to the PSED when deciding to reduce Youth Services. The Council's processes were found to be robust because they set out in explicit detail, the likely impact of the proposed cuts, identified the protected characteristic affected and set out the evidence



that it had gathered to be able to assess impact. It then also set out the steps it had follow to consider minimising or mitigating the impact and when it could not do so fully, justification of it. This meant it complied with the requirements of the duty.

- When Government failed to adequately set out the very significant impacts that a decision cease to discretionary cash payments to disabled people to assist them to lead independent lives. It lost a legal challenge on the lawfulness of that decision. While an equality impact assessment has been completed, it was not enough to demonstrate compliance with the PSED. The references in the documents set out for the decision maker did not demonstrate that there were potentially very grave impact upon individuals in the relevant group of disabled persons, within the context of a consideration of the statutory requirements for disabled people as a whole. The IA did not set out the responses from consultation that had made clear that independent living could be put seriously in peril for a large number of people if the decision was enacted.
- A Council failed to consider the impact of a proposal to change domestic violence services on the BME community when it decided to close a BME specialist domestic violence service. This resulted in a successful legal challenge of that decision on the grounds that it had failed to comply with the requirements of the PSED.
- A Police Force that piloted use of automated facial recognition technology (AFR) failed to comply with the PSED as they failed to consider the public concern that AFR could result in an unacceptable bias on grounds of race or gender following concerns expressed that it was less able to accurately identify women and people from the BAME community. The fact that the technology was being piloted made no difference to the duty.
- A school had a uniform policy which permitted only one pair of plain ear studs and a wristwatch to be worn by pupils. A Sikh pupil wore to school her Kara (a narrow steel bangle with great significance for Sikhs). A teacher at the school asked the girl to remove it because it contravened the uniform policy. The girl's requests to be exempted from the policy were refused by the school.

Failure to assess the impact of a decision against the protected characteristics, in line with the PSED affected could leave the Council vulnerable to legal challenge.

### **3. Care Leavers**

In addition to legal protections that may exist under the Public Sector Equality Duty, the Council has chosen to include Care Leavers as a separate grouping within its impact assessment policy. Where the impact assessment process is required, consideration must be given to the impact a decision will have on care experienced people.

This is a non-statutory requirement to single out this group, however a proposal relevant to this group could also be relevant to one or more of the legally protected characteristics within the PSED. The Council's policy in relation to this group is to have due regard to impacts on this group, with the aim that they should be avoided if possible. If they cannot be avoided, they should be mitigated, and if they cannot be fully mitigated, the decision maker should consider whether they can be justified.

### **4. Armed Forces**

Armed Forces Covenant Statutory Duty

The Armed Forces Act 2021 placed a legal obligation on the Council that it must have due regard to the following when exercising 'a relevant function':

- the unique obligations of, and sacrifices made by, the Armed Forces
- the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces, and
- the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.

The functions this duty applies to are:

- Health - provision of services; planning and funding; and co-operation between bodies and professionals for local authority delivered healthcare services
- Education - Compulsory education settings: admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and use of Service Pupil Premium funding.
- Housing - allocations policy for social housing; tenancy strategies; homelessness; and disabled facilities grants.

## **5. Community cohesion**

The duty to ensure community cohesion by “fostering good relations” between different groups or communities of interest by tackling prejudice and promoting understanding is set out within the Equality Act 2010 single equality duty. There is a clear link between equalities and community cohesion, in that people who are unfairly disadvantaged are more likely to feel and express resentment towards other, more advantaged groups.

Community cohesion therefore requires Council services to be sensitive to those issues which could impact adversely on community cohesion. Although issues of race, deprivation, social exclusion and faith remain the more pressing community cohesion priorities in some parts of the country, there are other issues that affect community cohesion including the economy, intergenerational issues, health inequalities, relations between new and indigenous communities, and issues around the treatment of disabled and lesbian, gay, bisexual, and transgender people. Consideration should be given to how integration can be encouraged at all possible levels as well as to what actions may have an adverse impact.

The [Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com) provides guidance on how to assess decisions to ensure both the community cohesion and equality duty requirements are reflected.

## **6. Supporting evidence**

A sufficient level of evidence will be required in order to understand the impact of the proposal on relevant equality characteristics. Evidence can be quantitative (e.g. statistical data) or qualitative (e.g. service user feedback). When identifying evidence sources consider whether:

- the Council already routinely collects information which can be disaggregated by relevant equality characteristics that could support the completion of an IA
- information is available from other sources e.g. national or regional studies, Equality and Human Rights Commission research etc.

Where there is a lack of evidence steps should be taken to address this within the IA process. Evidence should be provided when assessing the impact of a proposal **and** when assessing the extent to which actions could avoid or mitigate an impact.

## **7. Sources of support**

Contact the Governance, Policy and Information Service if you have any further advice or guidance requirements.

**Template for Impact Assessment Level 1: Initial screening assessment**  
**Appendix 3**

<b>Subject of assessment:</b>	Insert title			
<b>Coverage:</b>	State the extent or scope e.g. overarching/crosscutting or service-specific.			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input type="checkbox"/> <b>Other (please state)</b>		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input type="checkbox"/>	<b>Local or corporate requirements:</b>	<input type="checkbox"/>
<b>Description:</b>	Insert short description, using the following as sub-headings: <ul style="list-style-type: none"> <li>• Key aims, objectives and activities</li> <li>• Statutory drivers (set out exact reference)</li> <li>• Differences from any previous approach</li> <li>• Key stakeholders and intended beneficiaries (internal and external as appropriate)</li> <li>• Intended outcomes.</li> </ul>			
<b>Live date:</b>	When will this be implemented?			
<b>Lifespan:</b>	Between which dates will this apply?			
<b>Date of next review:</b>	When will the next review be undertaken? State any triggers for early review.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Armed Forces</b> Could the decision impact negatively on those who are currently members of the armed forces of former members in the areas of Council delivered healthcare, compulsory education and housing policies?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Care leavers</b> Could the decision impact negatively on those who are care experienced?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Next steps:</b> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

<b>Assessment completed by:</b>		<b>Head of Service:</b>	
<b>Date:</b>		<b>Date:</b>	

\* Consult the Impact Assessment further guidance for details on the issues covered by each of these broad questions prior to completion.

<b>Subject of assessment:</b>	Insert title			
<b>Coverage:</b>	State the extent or scope e.g. overarching/crosscutting or service-specific.			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input type="checkbox"/> <b>Other (please state)</b>		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input type="checkbox"/>	<b>Local or corporate requirements:</b>	<input type="checkbox"/>
<b>Description:</b>	Insert short description, using the following as sub-headings: <ul style="list-style-type: none"> <li>• Key aims, objectives and activities</li> <li>• Statutory drivers (set out exact reference)</li> <li>• Differences from any previous approach</li> <li>• Key stakeholders and intended beneficiaries (internal and external)</li> <li>• Intended outcomes.</li> </ul>			
<b>Live date:</b>	When will this be implemented?			
<b>Lifespan:</b>	Between which dates will this apply?			
<b>Date of next review:</b>	When will the next review be undertaken? State any triggers for early review.			

Assessment issue	Impacts identified					Rationale and supporting evidence
	None	Positive	Negative		Uncertain	
			Justified	Mitigated		
<b>Human Rights</b>						
Engagement with Convention Rights (as set out in section 1, appendix 2 of the Impact Assessment Policy).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
<b>Equality</b>						
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles. <b>NB the following cells can be merged as appropriate.</b>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Pregnancy / maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Marriage / civil partnership**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Dependants / caring responsibilities**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Criminal record / offending past**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.

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\*\* Indicates this is not included within the single equality duty placed upon public authorities by the Equality Act. See guidance for further details.

Assessment issue	Impacts identified					Rationale and supporting evidence
	None	Positive	Negative		Uncertain	
			Justified	Mitigated		
<b>Community cohesion</b>						
Individual communities / neighbourhoods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Relations between communities / neighbourhoods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
<b>Armed Forces Covenant</b>						
Council delivered healthcare services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Compulsory Education - admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and Service Pupil Premium funding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Housing, homelessness and disabled facilities grants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
<b>Care leavers</b>						
Care experienced people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.

**Next steps:**

- ➡ If the answer to some questions remains Uncertain, then further work must be undertaken to clarify impacts. Repeat the process until there is certainty, but ensure that the amount of work undertaken is proportionate to the decision required. No relevant report should be submitted for approval until there is a satisfactory level of certainty around the impacts of the recommended decision.
- ➡ Be sure that any likely differential impacts identified through the process (positive or negative) are well evidenced and clearly marked in the template.
- ➡ Where the impact is negative, be clear that this can be justified with the justification outlined. If it cannot, the recommended decision must be reviewed.
- ➡ Where negative impacts are unjustified and *unavoidable*, actions must be put in place to remove or mitigate impacts. These should be listed in the action plan below.
- ➡ The results of the IA process (including changes made to the proposed approach and further actions) should be outlined the main body of the report, and the completed IA template appended to that report.

In addition to the above the report author may also wish to consider completing a discretionary Health impact assessment. Guidance on when this is appropriate should be sought from the Public Health team.


Further actions		Lead	Deadline
<b>Mitigating actions</b>	Identify actions in place or to be undertaken to mitigate impacts identified. Sufficient evidence must be provided to demonstrate to the decision maker that the impact will be mitigated by these actions.		



<b>Promotion</b>	Outline how the decision and its impacts will be publicised both internally and externally as applicable.		
<b>Monitoring and evaluation</b>	Outline how the implementation of the decision will be monitored and evaluated to identify any areas of unexpected negative impact.		

<b>Assessment completed by:</b>		<b>Head of Service:</b>	
<b>Date:</b>		<b>Date:</b>	

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		<b>Monitoring of Hate Incidents Policy 2025-2028</b>			
<b>Creator</b>	Author(s)	Ann-Marie Johnstone Leanne Hamer			
	Approved by	Executive Member for Finance and Governance			
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	Service area	Policy, Governance & Information			
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<b>Subject</b>	Hate Incidents				
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1.0	December 2010	First version	Ann-Marie Johnstone		
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3.0	November 2017	Third revision	Ann-Marie Johnstone		
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<b>Version</b>	<b>Date</b>	<b>Name/Service area</b>	<b>Action</b>		
4.0	February 2021	All staff	Dissemination on the intranet and internet		
5.0	February 2024	All staff/stakeholders	Dissemination on the intranet and internet		
<b>Contact:</b>	<a href="mailto:data@middlesbrough.gov.uk">data@middlesbrough.gov.uk</a>				

## INTRODUCTION

1. This policy sets out the Council's position in relation to the internal monitoring of 'hate incidents' either witnessed by or reported to staff. It also summarises the hate incident monitoring process put in place to ensure compliance with the policy. There are a number of Council policies in place that may be relevant when managing the consequences of hate incidents including the Disciplinary Policy, Dignity and respect at Work Policy, Grievance Policy, Whistleblowing Policy, Incident management procedure and the Corporate Complaints Policy.
2. The Police should always be notified immediately if it is suspected that a crime has been committed.

## SCOPE

3. This policy applies to all Council staff. Schools are responsible for putting individual policies in place to address hate incidents. Companies delivering public functions on behalf of the Council must have policies in place to ensure they comply with the Public Sector Equality Duty. Members may also wish to use this mechanism to report incidents or they may wish to report concerns directly to the Monitoring Officer.
4. Members of the public have a separate process via Middlesbrough's Neighbourhood Safety and the Strategic Cohesion and Migration Manager or the Police and can report crime via the Middlesbrough website [Anti-social behaviour | Middlesbrough Council](#). Support services are listed in addition in Appendix A.

## POLICY STATEMENT

5. The Council actively promotes good relations between all groups and is committed to taking all necessary steps to eliminate hate incidents within the town. It aims to achieve this by ensuring that all hate incidents witnessed by, or reported to, staff are properly recorded and dealt with appropriately.
6. The Equality Act 2010 requires that the Council is able to demonstrate it has due regard to the need to eliminate discrimination, harassment and victimisation by tackling prejudice against each of the characteristics that must be protected under the public sector single equality duty, namely:
  - Age
  - Disability
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
  - Gender reassignment/identity
  - Pregnancy and maternity.

## WHAT IS A HATE INCIDENT?

7. A hate incident is defined by the National Police Chiefs Council as "any incident which may or may not constitute a criminal offence that is perceived by the victim, or any other person, as being motivated by prejudice or hate". It is wider than a hate crime, which is a criminal act that has been motivated by hate or prejudice. Hate incidents can take many forms, e.g. verbal abuse of a staff member that includes racist insults.

## ROLES AND RESPONSIBILITIES

8. Staff are responsible for ensuring that they report any incident, which they may witness or experience, to ensure the Council is able to take appropriate action.

9. All staff must understand the Council's position on equality and diversity (this is signposted on the staff intranet page and with e-learning training). Behaviours and competencies expectations for all employees are set out within the Middlesbrough Employee Framework.
10. Health and Safety are responsible for reporting incidents to the Chief Executive and other relevant Directorates where appropriate.

## **RECORDING AND FOLLOWING UP ARRANGEMENTS**

11. Officers wishing to report a hate incident should contact their line management to place the report onto My Compliance. The information required when reporting an incident is detailed within the incident management procedure and is available online within My Compliance. The Council's policies including those set out in paragraph 1 will be applied as required. Information may be shared with partners, subject to data protection requirements.
12. Health and Safety will report incidents to the Chief Executive and the Leadership Management Team on a quarterly basis.

## **REVIEW FREQUENCY**

13. The policy will be reviewed every three years unless there is a change in legislation or there is concern that the policy is no longer fit for purpose, in which case it will be revised earlier.

## **CONTACTS FOR SUPPORT AND ADVICE**

14. Internally if you require further advice please contact the Health and Safety Team.
15. You can report a hate crime/incident in a number of ways:
  - At a Police Station
  - By telephoning the Police either on 101 or 999 if it is an emergency.
  - At a 3rd party reporting centre if you prefer to speak to someone who is not a police officer. Each centre has trained staff who can advise you about what to do next. <https://www.cleveland.pcc.police.uk/how-can-we-help/problems/hate-crime/>
  - Or online, please see the link here [Report hate crime | Police.uk \(www.police.uk\)](https://www.police.uk)
  - You can also report a hate crime to the Strategic Cohesion and Migration Manager.
16. Support services and agencies available in the local area are also listed in Appendix A

**VICTIM CARE AND ADVICE SERVICE:** A general service that provides free, confidential advice and support for victims of crime and/or severe ASB. This is the main local “victim support” service and deals with victims of all kinds of crime/ASB, including Hate Crime.  
(<https://vcas.uk/>)

**HART GABLES:** This is a support service for LGBTQ+ people.  
(<http://www.hartgables.org.uk/>)

**HALO PROJECT:** The Halo Project was established in 2011 in response to a gap in service provision, for Black and Minoritised women and girls experiencing or at risk of domestic and sexual abuse and violence.  
(<https://www.haloproject.org.uk/>)

**CLEVELAND TRANS AWARE:** Trans Aware provides advocacy and support to those who identify on the Transgender Spectrum. We also provide information and advice for the general public to better understand how to support Transgender & Non-Binary identities.  
(<http://search3.openobjects.com/kb5/middlesbrough/fsd/service.page?id=F9R3cWivfTo>)

**MY SISTER’S PLACE:** Support for women experiencing or at risk of domestic violence.  
(<https://mysistersplace.org.uk/>)



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Template for Impact Assessment Level 1: Initial screening assessment

<b>Subject of assessment:</b>	Revision of the Equality Policy, Impact Assessment Policy, Equality Monitoring Policy and the Monitoring of Hate Incidents Policy			
<b>Coverage:</b>	Cross-cutting			
<b>This is a decision relating to:</b>	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b>Key aims, objectives and activities</b> The policy revisions have been undertaken to ensure the Council’s suite of equality related policies reflect the latest case law, best practice and support delivery of the key priorities of the Council as outlined in the Strategic Plan.</p> <p><b>Differences from any previous approach</b> The current policies have been updated to reflect changes in case law and the structure of the organisation.</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b> All residents and partners.</p> <p><b>Intended outcomes</b> Improved outcomes for all.</p>			
<b>Live date:</b>	March 2024			
<b>Lifespan:</b>	March 2024 – March 2027			
<b>Date of next review:</b>	March 2027			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policies positively support human rights, the impact assessment policy contains a section to ensure that report authors consider the impact of proposed decisions on human rights.  Evidence used to inform this assessment includes the content of the Impact Assessment policy and feedback from application of the current policy.
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Council has a duty to consider the impact of the proposal on relevant protected characteristics to ensure it has due regard to the public sector equality duty. The duty means the Council must have due regard when taking decisions to the need to: <ul style="list-style-type: none"> <li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> The policies are designed to ensure compliance with this duty.
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policies will continue to support community cohesion by ensuring the Council's practices and processes are fair and compliant with the PSED and providing an avenue through which residents, visitors and customers can report hate incidents.
<b>Middlesbrough 2025 – The Vision for Middlesbrough</b> Could the decision impact negatively on the achievement of the vision for a Fairer, Safer Stronger Middlesbrough?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed policy changes align with the 2025 vision for Middlesbrough, they directly impact on all three themes within the vision by ensuring council practices are fair and community cohesion is supported.
<b>Organisational management / Change Programme</b> Could the decision impact negatively on organisational management or the transformation of the Council's services as set out in its Change Programme?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policies align with the change programme principles and will not have an adverse impact on delivery of the change programme. They will positively support the Change Programme to deliver transformative changes which are fair.

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response	Evidence
<p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>➤ If the answer to all of the above screening questions is No then the process is completed.</li> <li>➤ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</li> </ul>		

<b>Assessment completed by:</b>	Leanne Hamer	<b>Head of Service:</b>	Ann-Marie Johnstone
<b>Date:</b>	11/01/2024	<b>Date:</b>	11/01/2024

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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Finance
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<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
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<b>Submitted to:</b>	Single Member Executive
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<b>Date:</b>	20 March 2024
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<b>Title:</b>	Corporate Debt Management Policy
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Vulnerability
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	non urgent report
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<b>Proposed decision(s)</b>
<p>That Single Executive approve the amendments to the Corporate Debt Management policy to be implemented from 1<sup>st</sup> April 2024.</p> <p>That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance to reflect revisions to statutory guidance to the policy.</p>

<b>Executive summary</b>
<p>The report outlines the proposed amendments to the existing Corporate Debt Management policy to incorporate the recently updated Financial Procedure Rules following the approval of the refreshed Council Constitution: <a href="#">Agenda for Council on Monday 18th September, 2023, 6.00 pm   Middlesbrough Council</a></p>

and to address some inconsistencies and presentational issues that require minor amendments to the policy.

The minor amendments include:

- The inclusion of the Welfare Support & Debt Write off policy links;
- The removal of the reference to Section 21.5 (under the heading 'Writing off of Debt') and replaced with 'in accordance with the Council's Financial Procedure Rules as contained in the Council's constitution [Agenda for Council on Monday 18th September, 2023, 6.00 pm | Middlesbrough Council](#)
- The inclusion of the Debt Write Off policy link under the heading of 'Writing Debts Off'.

## **Purpose**

1. To incorporate the Council's updated Financial Procedure Rules following the approval of the refreshed Council Constitution:
2. To carry out minor policy wording and updating of references/links to address some inconsistencies and presentational issues within the policy.

## **Recommendations**

3. That Single Executive approve:
  - i. The inclusion of the Council's updated Financial Procedure Rules following the approval of the refreshed Council Constitution: [Agenda for Council on Monday 18th September, 2023, 6.00 pm | Middlesbrough Council](#)
  - ii. The updates to the policy wording and minor amendments which include;
    - An update of the Welfare Support & Debt Write off policy links;
    - The removal of the reference to Section 21.5 (under the heading 'Writing off of Debt') and replaced with 'in accordance with the Council's Financial Procedure Rules as contained in the Council's constitution (with link to the Constitution)
    - The inclusion of the Debt Write Off policy link under the heading of 'Writing Debts Off'.
  - iii. Delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance to reflect revisions to statutory guidance to the policy.

## **Rationale for the recommended decision(s)**

4. The policy is a key decision that impacts on two or more wards and as such requires Executive approval.

5. To include the Council's updated Financial Procedure Rules following the approval of the refreshed Council Constitution as outlined in the Executive Summary.
6. The report contains only minor amendments to reflect the updated Financial Procedure Rules and does not have a larger impact on the overall budget or policy framework and therefore meets the criteria for Single Executive approval.
7. The minor amendments ensure that the inconsistencies and presentation issues are addressed and result in no changes to the threshold to services and support provided.
8. 3-yearly reviews uphold good practice within democratic processes and enables the refreshed policy to maintain visibility with the Executive.
9. Delegated authority to the Director of Finance to approve future minor modifications to the policy will maintain service operation levels. As a working policy, failure to keep pace with new legislation leaves the Council at risk and can result in inconsistent practices.

### **Background and relevant information**

10. The objective of the Corporate Debt Management policy is to ensure all income due to the Council is collected promptly, efficiently, and effectively in order to optimise the Council's financial position.
11. The policy applies to all debts and income owed / due to the Council and enables the Council to have 'one view' of all Council debt that is managed and controlled centrally. All Directorates must operate in accordance with this policy.
12. All Directorates must follow this policy to allow the Council to maximise the collection of debts and income by using a co-ordinated approach and by having due regard to the customer's ability to pay.
13. This is the 2<sup>nd</sup> of 4 policies developed which bring together a significant number of supporting arrangements which enhance the Council's social regeneration plans.
14. There are links to the Council's 'Stop the Knock' approach, where the aim is to reduce the number of cases sent to the external enforcement agent by improving debt collection practices.
15. This policy also seeks to address other matters such as credits and how these will be offset with other debts across the Council, pre contractual checks to ensure any monies owed to the Council are addressed, and the insertion of a new contractual provision which allows sums owed to the Council to be offset.

### **Other potential alternative(s) (and why these have not been recommended)**

16. Do nothing – however if the policy is not updated it would not be reflective of the updated Financial Procedure Rules as contained in the Council's Constitution.

## **Impact(s) of the recommended decision(s)**

### ***Financial (including procurement and Social Value)***

17. Implementation of the revised Debt Management policy will be achieved within existing budgets. The policy's overall objective is to ensure efficient and effective collection of all income due to the Council and prompt recovery of debt in order to optimise the Council's overall financial position.
18. Debt will only be written off, in line with the Debt Management and Write off policies, when it is determined to be irrecoverable or uneconomic to recover after all possible measures have been taken to recover the debt.

### ***Legal***

19. The Council has a statutory duty to collect outstanding debt in accordance with the Council's Financial Procedure Rules, which is not limited to, the following legislation:
  - Local Government Act 1972
  - Local Government Finance Act 1988 and 1992 - Council Tax (Administration and Enforcement) Regulations 1992 and Non-Domestic Rating (Collection and Enforcement) Local Lists Regulations 1989
  - Housing Benefit General Regulations 1987 and 1992
  - Traffic Management Act 2004
  - Care Act 2014 and Statutory Guidance Annex D.
20. There are no other legal implications around this policy.

### ***Risk***

21. The review of the Debt Management policy ensures that there is adequate governance in place to comply with all relevant legislation and the Council does not breach governance requirements or fail to deliver organisational priorities (Risk 08-054).
22. With a 3-yearly review the Council continues to effectively review and amend the policy to comply with legislative changes (Risk 08-055).

### ***Human Rights, Public Sector Equality Duty, and Community Cohesion***

23. There are no disproportionate adverse impacts on any group or individuals with characteristics protected in UK equity law.

### ***Climate Change / Environmental***

24. There are no disproportionate adverse impacts on the aspirations of the Council to achieve net zero, net carbon neutral or be the lead authority on environmental issues.



**Children and Young People Cared for by the Authority and Care Leavers**

25. The policy does not differentiate between any cared for children or care leavers or any other resident and therefore has no impact on children and young people cared for by the Authority and Care Leavers.

**Data Protection / GDPR**

26. The collation and use of personal data will be managed in accordance with the Council’s Data Protection policy and the Debt Management Privacy Notice [Privacy notice - Debt Management Respite Scheme \(Breathing Space\) | Middlesbrough Council](#)

**Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
The Debt Management policy will be updated as outlined above, subject to Executive approval. Publish updated policy and information on the Council’s website by 31 March 2024.	Janette Savage	31 March 2024

**Appendices**

- Appendix 1 - Debt Management Policy**
- Appendix 2 - Initial Imp Assessment Debt Management Policy**

**Background papers**

No background papers were used in the preparation of this report.

**Contact:** Janette Savage (Head of Resident and Business Support)  
**Email:** Janette\_Savage@middlesbrough.gov.uk

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# Corporate Debt Management Policy

**Live from: 1 April 2024**

**Live until: 1 April 2027**

<b>Title</b>	Corporate Debt Management Policy		
<b>Creator</b>	Author(s)	Debbie Ingoldsby, Strategic Business Manager	
	Approved by	Janette Savage	
	Department	Residents and Business Support	
	Service area	Finance	
	Head of Service	Janette Savage	
	Director	Debbie Middleton	
<b>Date</b>	Created	22 February 2024	
	Submitted	29 February 2024	
	Approved	20 March 2024	
	Updating Frequency	3 years	
<b>Status</b>	Version: 2.0		
<b>Contributor(s)</b>	Head of Service – Revenues & Benefits, Strategic Business Manager, Head of Finance & Investments, Head of Commissioning & Procurement, Head of Legal Services, Governance & Information Manager, Accounts Receivable Technician,		
<b>Subject</b>	Debt Management		
<b>Type</b>	Policy		
	Vital Record		EIR
<b>Coverage</b>	Middlesbrough Council		
<b>Language</b>	English		
<b>Document Control</b>			
<b>Version</b>	<b>Date</b>	<b>Revision History</b>	<b>Reviser</b>
1.1	22.2.24	First draft formatting	D Ingoldsby
1.2	23.2.24	Updating references and links	D Ingoldsby
2.0	28.2.24	Final draft	D Ingoldsby/ D Nolan
<b>Distribution List</b>			
<b>Version</b>	<b>Date</b>	<b>Name/Service area</b>	<b>Action</b>
2.0			
<b>Contact:</b>	<a href="mailto:Janette_savage@middlesbrough.gov.uk">Janette_savage@middlesbrough.gov.uk</a>		



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## 1. Summary

- 1.1 This policy is the 2<sup>nd</sup> of 4 policies (others being Vulnerability Policy, Debt Write Off Policy and the Welfare Policy) which combine the Council's approach to Debt Management and is aligned with the requirements of the relevant legislation.
- 1.2 It sets out how the Council will manage all of its debt and income and facilitates a fair and consistent approach to the recovery of debt across all Council services.
- 1.3 It should be noted that this policy does not extend to any income relating to the pension fund.

## 2.0 Context

- 2.1 This policy is designed to complement and enhance the Council's social regeneration plans.

## 3.0 Purpose

- 3.1 The purpose of this new policy is to provide clear guidance for all Council Officers on the recording, reporting, recovery and monitoring of the Council's debt and income.
- 3.2 All service areas must follow this procedure to ensure that the Council maximises the collection of debts and income by using a co-ordinated approach but having due regard to the customer's ability to pay. The purpose should be to maximise income to the Council. Whilst income recovery must adhere to any governing regulations e.g. Council Tax, Business Rates, the overall principle of recovery should be the efficient and effective recovery of income and debt owed.
- 3.3 This policy will also link into service specific recovery strategies which would cover the detail around the day to day process and priority.

## 4.0 Objective

- 4.1 The Council's debt management policy has the following objective:  
*To maximise all debt and income for the provision of services, Middlesbrough Council will collect all debt owing to it promptly, effectively and efficiently, while ensuring fair treatment to all debtors."*

## 5.0 Outcome

- 5.1 The outcomes expected from this policy are to:
  - i. Set out the general principles of debt and income management across all services provided by Middlesbrough Council,



- ii. Ensure a consistent approach to the management of debts and income across the Council,
- iii. Where appropriate, aim to look at a single view of debt across the Council,
- iv. Set out provisions to assist customers to pay sums owed in a sustainable way,
- v. Ensure an individual's financial circumstances are considered on a case by case basis before enforcement proceedings are commenced,
- vi. Enable signposting of debtors to debt advice as appropriate.

## 6.0 Definitions

- 6.1 **Debt** is defined as a sum of money that is owed to the Council by a resident, business, customer or service user. For the purpose of this document, the use of the term debt extends to include charges and fees.
- 6.2 **Demand notices** are defined in Part V of The Council Tax (Administration and Enforcement) Regulations 1992, as the notice required to be served each financial year by the local authority, in order to collect Council Tax.
- 6.3 **Income** is defined as any monies payable to the Council excluding monies payable to the pension fund. For the purpose of this document, the use of the term income extends to include charges and fees.
- 6.4 **Invoices** are a request for payment for goods, services, property and associated fees / charges, or amounts due to the Council for payment within a specified period.
- 6.5 **"Vulnerability"** Types of vulnerability vary widely for example someone could be vulnerable by virtue of being a young person with autism living independently for the first time, to a single parent with dependent children who has recently become unemployed, to someone with a terminal illness.
- 6.6 Vulnerability can also be permanent, transient or progressive. A vulnerable person is someone who, due to their personal circumstances is especially susceptible to detriment and who by characteristics and/or circumstances, is unable to act or respond appropriately to certain circumstances. This can also be any individual who is, or may be, in need of help or support due to mental health difficulties , disability, age, illness or frailty and who are, or may be, unable to look after their home and/or their wellbeing or unable to protect themselves from harm or exploitation by others.

Age UK – "Vulnerability is not something that affects other people. Any of us, at any time may need care and support".

They define a Vulnerable Person as:-

- A child – (who is under the age of 18),
- Someone who falls beneath the classification of a 'vulnerable adult',
- Someone in a situation causing vulnerability i.e. in a 'vulnerable situation'.

As there is no clear definition, this places some ambiguity around what is considered as vulnerable. On that basis, Middlesbrough Council recognises that vulnerability can come in many forms and it can be multi layered. What is clear is that there is no absolute definition and as such each case should be considered given weight to the possibility

that any residents//customers may at some point need some element of care and support in meeting payment obligations. [Vulnerability Policy - June 2020](#)

## 7.0 Scope

- 7.1 This policy applies to all employees (both permanent and temporary), contractors and consultants of the Council who are given the authority to manage and collect debt and income which is owed to the Council or will be due to be owed to the Council at a later date.
- 7.2 For the avoidance of doubt this policy document applies to all debts and income of the Council.

## 8.0 Legislative and regulatory framework

- 8.1 Key elements of the legislative and regulatory framework for debt management are set out below.

<b>Local Government Act 1972</b>	Establishes requirements to manage the Council's financial affairs and the appointment of a section 151 officer.
<b>Local Government Finance Act 1988 and 1992:</b>	
<b>Council Tax (Administration and Enforcement) Regulations 1992</b>	Make provision for the administration and enforcement of Council Tax
<b>Non-Domestic Rating (Collection and Enforcement) Local Lists Regulations 1989</b>	Make provision for the collection and enforcement of non-domestic rates.
<b>Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) Regulations 2020</b>	Established a debt respite scheme and breathing space and mental health crisis moratoria.
<b>Traffic Management Act 2004</b>	Provides for the enforcement of parking, loading and waiting restrictions and processing of penalty charge notices.
<b>Transport Act 2000</b>	Provides for the enforcement of bus lane contraventions.
<b>Data Protection Act 2018</b>	Controls the lawful passing of personal data from one part of the Council to another.
<b>The Housing Benefit (General) Regulations 1987 and Housing Benefit Regulations 2006</b>	Sets out the legislation that governs the payment of Housing Benefit, including Housing Benefit overpayments and their associated recovery
<b>Social Security Contributions and Benefits Act 1992</b>	The primary legislation for most benefits in the UK
<b>Social Security Administration Act 1992</b>	The primary legislation for the administration of most benefits in the UK



<b>Taking Control of Goods Regulations 2013</b>	Provides the legislation for the taking control of goods in the UK, including the use of enforcement agents
<b>Taking Control of Goods Regulations 2014</b>	Make provision for recovery of fees and disbursements from debtors by enforcement agents in relation to the procedure for taking control of goods.
<b>County Courts Act 1984</b>	Established a single county court and its jurisdiction
<b>Civil Procedure Rules 1998</b>	Established the rules of Civil Procedure used by various courts in the UK
<b>Charging Orders Act 1979</b>	An Act to make provision for imposing charges to secure payment of money due, or to become due, under judgments or orders of court; to provide for restraining and prohibiting dealings with, and the making of payments in respect of, certain securities; and for connected purposes.
<b>Insolvency Act 1986</b>	Consolidates enactments relating to company insolvency and winding up, and bankruptcy of individuals
<b>Equality Act 2010</b>	Is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age
<b>General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)</b>	The GDPR/DPA2018 place a duty on the Council to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security); (2) Accountability (including the rights of data subjects).
<b>Freedom of Information Act (FOIA) 2000</b>	Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.
<b>Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of</b>	Establishes requirements to manage records and information, and gives implied



<b>Practice on Records Management (S46 Freedom of Information Act)</b>	authority to share certain kinds of information with partners.
<b>Care Act 2014 and Statutory Guidance Annex D</b>	The Act by which the local authority is able to charge for social care support and the rules imposed on the local authority with regard to recovery of such debt.
<b>Family Law Act 1996</b>	An Act of Parliament governing divorce and marriage.
<b>Safeguarding Vulnerable Groups Act 2006</b>	An Act to make provision in connection with the protection of children and vulnerable adults.
<b>Modern Slavery Act 2015</b>	An Act designed to combat modern slavery in the UK.
<b>Tribunal Courts and Enforcement Act 2007</b>	An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.
<b>Landlord and Tenant Act 1954</b>	Contractual obligations under lease agreements for the payment of rent and other property charges.
<b>Land and Property Act 1925</b>	
<b>Miscellaneous Provisions Act 1986</b>	
<b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>	Governs the use of covert surveillance by public bodies.

## 9.0 Roles and Responsibilities

<b>Director of Finance / Chief Financial Officer</b>	<p>Under Part 18 of the Council's Constitution, the Chief Financial Officer (Section 151 Officer) is responsible for regulating and controlling the finances of the Council and hence that person will be responsible for the proper administration of the Council's financial affairs.</p> <p>Income relating to all types of debt should be handled in accordance with the Council's Financial Procedure Rules as contained within the Council's Constitution <a href="#">Middlesbrough Council constitution   Middlesbrough Council</a></p>
<b>Head of Service – Resident and Business Services</b>	Overall responsibility for the delivery of the Revenues and Benefits and Centralised Collection Services and the Policy Owner.
<b>Other Heads of Service</b>	Where appropriate, Heads of Service have responsibility for the raising and recording of debts and income in relation to Services they manage.

<b>Records Manager</b>	Responsible for the development and implementation of the corporate Records Management Policy and Retention Schedule. Will liaise with the Data Protection Officer.
<b>Service Delivery Manager / Strategic Business Managers / Support Services Manager.</b>	Where appropriate, responsibility for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission.
<b>All staff, contractors, consultants, interns and any other interim or third parties</b>	Responsible for compliance with this policy.
<b>Data Protection Officer</b>	Responsible for provision of advice and guidance to the Council on its obligations in relation to data protection.
<b>Valuation and Estates Team</b>	Responsible for the letting, estate management, acquisition and disposal of the Council's land and property assets.

## 10.0 Supporting policies, procedures and standards

10.1 The following policies, procedures and standards will be implemented across the Council to ensure that the Council's debts are managed effectively and securely.

<b>Debt Write Off Policy</b>	This provides a framework for the consistent management of uncollectable debts.
<b>Welfare Policy</b>	This provides a framework for a joined up approach to a holistic welfare advice and support service for all relevant residents who owe a debt.
<b>Data Protection Policy</b>	This summarises the Data Protection Policy position of Middlesbrough Council and how it will comply with legislation, and associated codes of practice and official guidance in relation to the processing of personal data.
<b>Records Retention Schedule</b>	This defines how long different records should be retained to comply with legal, regulatory or other requirements and the proper arrangements for archiving and destruction.
<b>Records Management Policy and supporting procedures</b>	This provides a framework for ensuring that the Council's records are well kept and that the systems used to hold them are fit-for-purpose.
<b>Information Security and Infrastructure Security Technical Policies</b>	These set out policies and standards for the management and maintenance of the

	security of Council infrastructure and applications.
<b>Vital Records Standards</b>	This sets out how vital records will be identified and the steps to be taken to ensure their protection and preservation.
<b>Vulnerability Policy</b>	Intended for use by Middlesbrough Council employees when engaging with residents/customers where payment of a collectable debt is being considered.
<b>Stop the Knock approach</b>	A solution designed as a 'helping hand' to support customers who are experiencing difficulties in meeting payment obligations.

## 11.0 Debts to Which The Policy Applies

11.1 For the avoidance of doubt this policy document applies to all debts and income due to the Council including but not limited to the list below, and include any other debts across the Council:

- Council Tax,
- Business Rates,
- Overpaid Housing Benefit,
- Rents, service charges and insurance,
- Sundry Debts (incl. licensing, fees, statutory notices, subscriptions, etc.),
- Car parking,
- Recovery of enforcement costs,
- Adult Social Care,
- Charging for discretionary services or any money due to the Council under terms of an agreement to pay for goods, services or property.

## 12.0 General Principles

12.1 The general principles adopted in this policy are as follows:

- To ensure a professional, consistent and timely approach to income / debt recovery action across all of the Council's functions,
- Where Data Protection legislation allows, promote a coordinated approach towards sharing debtor information internally and managing multiple debts owed to the Council,
- Where multiple debts are owed to the Council, where possible, interaction should be kept to a single point, to avoid multiple officer engagement with the same customer / business / resident,
- To raise a debt in a timely and accurate manner,
- Where appropriate to do so, seek payment in advance for a service,
- The preferred method of payment is by electronic means and where possible direct debit,

- To improve the speed of collection and the levels of income collected by the Council,
- To ensure that debts are managed in accordance with legislative provisions and best practice,
- To consider the impact on the debtor / charge payer of the consequences of any recovery options pursued, including their mental wellbeing and the proportionality of these, noting in particular the Council's Stop the Knock approach, and Breathing Space regulations,
- To try and protect customers from undue financial hardship by ensuring realistic payment arrangements are agreed upon,
- Where appropriate, to encourage the debtor to make contact with relevant organisations for debt management advice (i.e. CAB),
- To differentiate between the debtor who won't pay, and the debtor who can't pay, and take appropriate action in either case,
- Ensure that any steps taken to recover debt / income are in line with the Council's corporate policies on surveillance and data protection, and to ensure compliance with RIPA and GDPR legislation.

### **13.0 Delivering the policy**

13.1 Delivering the policy involves a number of processes which are explained in more detail in Appendix 1 below:

- Raising of invoices / demand notices,
- Methods of Payment,
- Refunds and reversals,
- Collection, Recovery and Enforcement,
- Social Inclusion – the ability to pay,
- Welfare Support,
- Bad Debt Provision,
- Writing debts off.

### **14.0 Invoices / Demand Notices**

14.1 Where appropriate to do so, invoices / demand notices should be sent to customers wherever possible. Information such as e-mail addresses / telephone numbers (contact information) should be captured in all instances.

14.2 When charging for goods and services, the Council will aim to raise the invoice within 5 working days and no more than 10 days of delivering the service or goods or of the commencement of the period where service covers a period of time. This excludes property related fees where rent is payable upon occupation (unless otherwise specified).

14.3 For demand notices (i.e., Council Tax / Business Rates), documentation will be issued in line with legislation and prescribed guidance.

- 14.4 All invoices / demand notices raised will as a minimum bear the Council logo, contact details, details and period of debt and methods of payment. Online and direct debit / card payment will be promoted. Where legislation requires additional information to be provided with the invoice / demand notice, this will also be included.
- 14.5 All invoices / demand notices will have a unique reference and / or barcode so that the customer is able to quote the appropriate document number(s) to enable their account(s) to be accessed and credited quickly and accurately.
- 14.6 The supporting documents relating to an invoice / demand notice must be made readily available to Resident and Business Support Services as and when requested. All documentation relating to an invoice / demand notice will be kept either in paper or scanned image format in accordance with the Council's policy which is to hold supporting documents for a period of up to 6 years.
- 14.7 The Council's Corporate Retention policy in full can be found at the following link. [Records retention | Middlesbrough Council](#)

## 15.0 Monies Owed to the Council

- 15.1 Before providing requested goods or services to a company / organisation which amount to more than £50,000 for which payment will be invoiced, officers must carry out internal checks to ensure that no other monies are outstanding in arrears to the Council, and where they are the arrears should be settled in advance of the provision. In addition, a credit check and / or company search to establish the financial standing of the organisation (excluding public sector bodies) should be made, and if concerns are raised a payment in advance should be sought, NB – if necessary the threshold figure of £50,000 may be reduced.
- 15.2 New contracts should not be entered into with companies / organisations (excluding public sector bodies) where it is known that they or associated companies / organisations owe sums in arrears to the Council, (unless exceptional circumstances apply, or procurement rules require entering into such contract) until such debt is settled.
- 15.3 The Council will retain or offset sums owed to it by any company / organisation before providing goods and services (or vice versa). A contractual provision will be placed in all new contracts from 1 August 2021, and will be inserted as follows:

*The Authority may retain or set off any sums owed to it by any company / organisation which have fallen due and payable against any sums due to the company / organisation under any agreement pursuant to which the company / organisation or any associated company / organisation provides goods or services to the Authority, or vice-versa. This to be a contractual provision in all contracts going forward.*

## 16.0 Methods of Payment

- 16.1 The Council will promote the use of Direct Debit as a preferred payment method, maximising the use of this wherever possible. It will discourage the use of cash and cheque, by persuading customers to use electronic methods of payment.
- 16.2 All Invoices / demand notices will include information on how and where payments can be made i.e., listing the various options we offer, for example:
- BACS / Standing Order,
  - Paypoint,
  - Card Payments – debit / credit,
  - At Post Offices using barcodes,
  - Internet payments / automated payment line.
- 16.3 Customers may request an instalment arrangement for debts which will be considered by the relevant service. The instalment amount offered and frequency of the payments will be based on an assessment of the financial circumstances of the customer. The default payment option will be Direct Debit for payment arrangements.

## 17.0 Collection, Recovery and Enforcement

- 17.1 The collection of income in respect of invoices / demand notices raised must follow a standard course, which fully documents the efforts made to settle the debt, although it is recognised that certain debts such as Council Tax and Business Rates will have a more regulated period for recovery (see Appendix 1).
- 17.2 Standard processes include:
- Invoices raised in respect of services delivered are normally due for payment within 14 days. The Council may exercise discretion and extend, where appropriate to do so, to 28 days (depending on the service),
  - If no payment is received, recovery activity will commence within a period between 14 and 28 days from the issue of the invoice (depending on the service),
  - Where debts in respect of services provided remain unpaid after the first reminder, where appropriate a second debt notice is raised and the provision of further services may cease until the debt is paid,
  - If no payment is received within 10 days of the reminder letter, a final demand will be sent,
  - If no payment is received within 7 days, further recovery action will be initiated which may include legal proceedings and / or referral to debt collection agencies.
- 17.3 Where legislation permits, the Council will seek to levy and recover all costs/fees that are legitimately due to the Council or its agents.

- 17.4 The Council will appoint / review the enforcement agencies to be used in respect of the collection of debt that remains unpaid. Cases will be selected following the undertaking of the necessary checks to determine suitability, with only approved agencies being used.
- 17.5 Where it is appropriate to do so, all debts will be taken into consideration when referring the debt for legal recovery. Where multiple debts are owed the Council will endeavour to consolidate those debts before taking recovery action.
- 17.6 Enforcement options are dependent on the debt and any governing legislation, options can include (although not limited) to the following:
- Court proceedings to initiate any further enforcement,
  - Attachment of Benefits,
  - Attachment of earnings,
  - Use of Enforcement Agents,
  - Charging Orders placed on property owned by the debtor,
  - Initiating bankruptcy proceedings,
  - Legal proceedings,
  - Committal proceedings to prison for unpaid Council Tax,
  - Third Party Debt Orders.
- 17.7 The Council will always consider vulnerability of the debtor, and breathing space legislation (or anything similar) when considering enforcement of debt.
- 17.8 Where suitable, the Council will use third party products or alternative remedies to engage with customers and secure payments.

## **18.0 Use of Third Party Products**

- 18.1 To support the collection of debt and to trace debtors, the Council will use third party options such as:
- Search hubs for tracing debtors and tackling fraud,
  - Engagement technology to contact debtors by telephone,
  - Use of text or e-mail technology as well as social media channels,
  - Land registry / other data platforms,
  - National Fraud Initiative (NFI).
  - Credit reference agencies.
- 18.1 The above list is not exhaustive and alternative options may be utilised.
- 18.2 When using third party products, the Council will comply with the Data Protection legislation, and the Council's surveillance policy.



## 19 Multiple Debts Owed to the Council

- 19.1 Where the Council is made aware that a debtor owes multiple debts to the Council and unless the debtor advises to the contrary, debts will be considered in a priority order, to avoid the customer going to prison for non-payment, or any other serious consequences. Priorities are set out at 21, below. The Council may choose to split any payments received across multiple debts, based on a percentage or other method of allocation.
- 19.2 It is recognised that in the absence of a system which provides a 'Single View of Debt' that this will be difficult to establish if the information is not voluntarily given by the debtor. The Council will take all reasonable steps to identify where customers have multiple debts, and respond to the debt position by taking all the debt together and dealing with it as one single interaction with the customer.

## 20 Credits on Accounts

- 20.1 Where accounts are in credit of £200 or more, internal checks against all outstanding debts will be undertaken to ensure no other debt is owed to the Council for any other goods or services provided, and where appropriate to do so, offset any credit against the outstanding debt before making any refund.
- 20.2 Credits within different funding streams will be transferred where another debt exists. After offsetting, only any remainder will be refunded.

## 21 Priority of Debt

- 21.1 When recovering debt, the Council will consider the importance of paying priority debts over non-priority debts. Priority debts are considered those where non-payment could lead to serious consequences, such as loss of a home or imprisonment.
- 21.2 In addition, consideration will also be given to the size of the debt, and the financial impact of the collection of such debts on the Council's overall financial position. As a general guide, our priority will be:

### Collection Fund

- Council Tax,
- Business Rates,

### Non-Collection Fund

- Overpaid Housing Benefit,
- Adult Social Care,
- Rents, service charges and insurance,
- Other Sundry Debts,
  - Car parking,



- Recovery of enforcement costs,
- Licensing, statutory notices, subscriptions, etc.

21.3 When a debtor is also a supplier to the Council, the Council will seek to offset any overdue debts owed to the Council from the monies owed to the supplier. All new supplier contracts from 1 August 2021 should include a clause clarifying this right (see above).

## 22 Social Inclusion – Ability to Pay & Vulnerable Residents

22.1 Ability to pay is a paramount concern when considering debt recovery. A person's vulnerability should also be taken into account, and this policy should be read in conjunction with the Council's Vulnerability Policy and 'Stop The Knock' approach.

22.2 Middlesbrough Council has a statutory obligation to recover debts / income due. Whilst we will make all reasonable endeavours to identify those residents / customers who may be vulnerable, this can only be achieved when residents / customers interact with the relevant service. Middlesbrough Council are only able to base decisions on what is known and what can lawfully be shared between our services. There may be instances where residents / customers who are vulnerable are not identified. On that basis, actions will continue in line with the process appropriate to the debt. Should it become apparent that a vulnerability exists, additional reasonable and proportionate steps will be introduced at that stage to support the resident / customer.

22.3 For identified vulnerable customers, where reasonable to do so, we will:-

- Support them to agree the best method of recovering outstanding monies and the easiest way for them to pay,
- We will update their account with any information they provide to us to aid us with dealing with any vulnerabilities they may have that are influencing their ability to meet their payment obligations,
- We will carefully consider their circumstances before taking any action,
- Where further action is necessary, if contact has not been maintained, we will aim to make an appointment with them before progressing with any next steps,
- We will adapt our processes if we are aware that someone is vulnerable to minimise any hardship or distress,
- We will carefully explain our processes and decisions and aim to keep them fully informed,
- We will signpost them to any help and advice, which is available.

22.4 Please refer to the Council's full [Vulnerability Policy](#) and [Stop The Knock Report](#) for further information.

22.5 For all other customers, a standardised "income and expenditure" form will be used to ensure that collection officers can ascertain a customer's total income and expenditure, and agree a consolidated affordable payment, which will clear all overdue sums in an appropriate period of time.



22.6 Staff will promote the services of qualified debt advisers i.e. Citizens Advice Bureau, National Debt-Line, Neighbourhood Advice Centres, Money Advice Service (MAS) etc.

22.7 In addition, as part of the Council's Stop the Knock approach, we will (where applicable):

- Conduct a Benefit entitlement review, to maximise take up, supporting those customers to claim where they are not able to do so,
- Provide support to help with shortfalls in rent through the Discretionary Housing Payment scheme,
- Consider emergency assistance through the Community Support scheme,
- For multiple debts – signpost to debt advice services and consider consolidated debt solution, supported by Welfare Rights,
- Link in with other Council services/other organisations through data sharing agreements to access difficult to reach client groups,
- Signpost to a consolidated advice and support web page, which has been designed by Revenues and Benefits Services. This page holds valuable information of where to go for help with:-
  - Debt Advice,
  - Help with Gas and Electric,
  - Rent and Council Tax Support,
  - Free School Meals and Foodbanks,
  - Housing Support and Money Advice,
  - Health and Wellbeing.
- Reduce the level of costs charged for those customers that take steps to self-help.
- In exceptional cases, if financial circumstances mean there is an inability to pay and if residents are accessing self-help options (i.e. routes to work, access to learning etc.), options to reduce the debt using the Council's hardship provision may be considered.

22.8 Work closely with the Tees Valley Routes to Work team to help residents identify any barriers to finding employment. Income relating to all types of debt should be handled in accordance with the Council's Financial Procedure Rules as contained within the Council's constitution [Middlesbrough Council constitution | Middlesbrough Council](#)

## 23 Welfare Support

23.1 The Council will provide a joined up approach to a holistic welfare advice and support solution for all relevant residents who owe a debt.

23.2 Support will include (but is not limited to):

- A full review of the case including payment resolution,
- Support through the Discretionary Housing Payment process (where applicable),
- A financial Health Check including advice on Benefit take up,
- A full review of existing debt (including responding to payment problems / reducing the amount to pay if possible),
- Engagement with the Stop the Knock approach,
- Referrals to Food Bank and other food related initiatives,
- Crisis Support & white goods provision.

23.2 For a full overview of Welfare Support, please refer to the Council's full welfare policy – [Welfare Strategy | Middlesbrough Council Open Data \(arcgis.com\)](#)

## 24 Bad Debt Provision

24.1 The Director of Finance (Section 151 Officer) in conjunction with Heads of Service must ensure there is adequate provision for Bad Debts, in accordance with 'CIPFA Code of Practice on Local Authority Accounting in United Kingdom – A Statement of Recommended Practice'.

24.2 Debts where a bad debt provision has been assigned should be appropriately reviewed on a timely basis with effective recovery methods applied. Where debts are not recoverable, suitable evidence should be provided to progress the case / debt to write off.

24.3 A separate bad debt provision is held for each service area so that any increase required in the provision will be charged to the service area concerned. Conversely, if the debt for which a bad debt provision is paid then the provision for that debt will be credited back to the relevant service area.

24.4 Please refer to debt Write off policy for further information on bad debt and write offs. [Corporate Write Off Policy 2022 \(arcgis.com\)](#)

## 25 Writing Debts Off

25.1 Writing off of debt should be handled in accordance with the Financial Procedure Rules as contained within the Council's constitution [Middlesbrough Council constitution | Middlesbrough Council](#)

25.2 Adult Social Care debt write offs must be carried out in accordance with Annex D of the Statutory Guidance to the Care Act 2014.

25.3 Please refer to the Council's Corporate Debt Write Off policy which also includes the Debt Write off form. [Corporate Write Off Policy 2022 \(arcgis.com\)](#)

## 26 Breathing Space

26.1 The Breathing Space scheme, originally outlined by Government in February 2020 following campaigning from the debt advice and wider sector, went live on 4 May 2021.

26.2 The 60-day breathing space period will see enforcement action from creditors halted and interest frozen for people with problem debt. Council debt management processes have been amended to share breathing space details and accommodate the breathing space process into internal procedures. [Debt Respite Scheme \(Breathing Space\) Regulations 2020](#)



## 27 Monitoring and Review

27.1 The implementation and effectiveness of this policy and its supporting procedures will be checked and monitored by the Head of Service and associated management team.

27.2 The policy is subject to a 3 yearly review.



	Regulated Recovery process	Legislation	1 <sup>st</sup> Reminder	2 <sup>nd</sup> Reminder	Final Demand
Miscellaneous Debts	No		21 days after invoice due date	N/A	28 days after invoice due date
Council Tax	Yes	Local Government Finance Act 1988 and 1992: Council Tax (Administration and Enforcement) Regulations 1992	7 days after due date	7 days after due date	If no response to the 1 <sup>st</sup> or 2 <sup>nd</sup> Reminder, a Final Reminder is Issued.
Business Rates	Yes	Local Government Finance Act 1988 and 1992: Non- Domestic Rating (Collection and Enforcement) Local Lists Regulations 1989	7 days after due date (called a further notice)	N/A	7 days after due date (called a reminder letter)
Housing Benefit Overpayments	Yes	The Housing Benefit General Regulations 1987 and 1992	20 days after invoice	N/A	10 days after 1st reminder
Fines / Excess Charges – Public Spaces Protection Order	No		14 days after issue of the fine (fine can be increased to £50 if unpaid)	N/A	14 Days after fine has been increased
Fines / Excess Charges – environmental offences	No		7 days after issue of the fine	N/A	14 days after issue of the fine.
Rents, service charge and insurance	No		21 days after invoice due date	N/A	28 days after invoice due date

Car Parking	Yes	Traffic Management Act 2004	Penalty Charge Notice issued for either £50, £60 or £70 depending on contravention type – Discounted by 50% if paid within 14 days	Notice to Owner (NtO) document sent by post if penalty charge notice remains unpaid for 28 days i.e. NtO sent to inform that the full	If payment is not received 28 days after NtO a Charge Certificate will be issued and the penalty increases by 50%.
Adult Social Care	Yes	Care Act 2014 and Statutory Guidance Annex D	7 days after invoice due date – reminder issued to service area. Telephone call to service user 7 days after reminder issued.  Liaise with Social Worker / Legal Services regarding mental capacity / possible Safeguarding issues.	Ongoing discussions with Social Work staff / families.  Home visit with other professionals offered.  Explore alternative methods of managing finances / referral to Estates.	14 days after invoice due date – final notice sent to service area. Telephone call to service user 7 days after final notice issued.  Final notice only sent once 2 <sup>nd</sup> Reminder stage complete.





**Impact Assessment Level 1: Initial screening assessment**

<b>Subject of assessment:</b>	Corporate Debt Management			
<b>Coverage:</b>	Crosscutting			
<b>This is a decision relating to:</b>	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Service	<input type="checkbox"/> Function
	<input checked="" type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input checked="" type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b>Key aims, objectives and activities</b> To assess the impact of proceeding with an updated Debt Management Policy</p> <p><b>Statutory drivers</b> The Council has a statutory duty to collect outstanding debt and does so in accordance with the Local Government Finance Act 1992 and the Council's Financial Procedure Rules.</p> <p><b>Differences from any previous approach</b> To incorporate the Council's updated Financial Procedure Rules following the approval of the refreshed Council Constitution: <a href="#">Agenda for Corporate Affairs and Audit Committee on Tuesday 15th August, 2023, 4.00 pm   Middlesbrough Council</a></p> <p>Minor amendments in policy wording and references to respond to some inconsistencies and presentational issues. The minor amendments required in the updated policy will result in no changes to the threshold to services and support.</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b> Key stakeholders: the Council; Service Users</p> <p><b>Intended outcomes.</b></p> <ol style="list-style-type: none"> <li>To seek the adoption of a suitable updated policy to provide clear guidance on the recording, reporting, recovering, and monitoring of the Council's debt and income.</li> </ol>			
<b>Live date:</b>	1 April 2024			
<b>Lifespan:</b>	Until Further Notice (review every 3 years)			
<b>Date of next review:</b>	1 April 2027			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on individuals in terms of human rights.
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on individuals in terms of equality.
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on relationships between different groups, communities of interest or neighbourhoods within the town.
<b>Next steps:</b> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

<b>Assessment completed by:</b>	Debbie Ingoldsby	<b>Head of Service:</b>	Janette Savage
<b>Date:</b>	23.2.24	<b>Date:</b>	23.2.24

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Finance
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<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
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<b>Submitted to:</b>	Single Member Executive
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<b>Date:</b>	20 March 2024
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<b>Title:</b>	Discretionary Housing Payment Policy
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Vulnerability
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	non urgent report
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<b>Proposed decision(s)</b>
<p>That Single Executive approve the amendments to the Discretionary Housing Payment scheme policy to be implemented from 1<sup>st</sup> April 2024.</p> <p>That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance to reflect revisions to statutory guidance in the policy.</p>

<b>Executive summary</b>
<p>The report outlines the proposed changes to the existing Discretionary Housing Payment policy, to incorporate the 'Credit Their Service Motion' carried by Members at Full Council meeting on 25.10.23: <a href="#">(Public Pack)Agenda Document for Council, 29/11/2023 19:00 (middlesbrough.gov.uk).</a></p>

The policy is subject to a regular 3-year review to ensure that it reflects any changes in legislation and to provide clarity and guidance. Following the review there are some inconsistencies and presentational issues that require minor amendments to the policy.

1. The proposed amendments include:
  - i. The disregard of any military compensation or supplementary payments made under the military compensation or pensions schemes where it relates to Discretionary Housing Payment and/or the Disabled Facilities Grant
  - ii. An update to the language and wording to remove inconsistencies and rectify presentational issues within the policy.

**Purpose**

2. To formalise the disregard of any military compensation payments where they relate to the Discretionary Housing Payment and/or the Disabled Facilities Grant. This follows the ‘Credit their Service’ motion carried by Members at Full Council on 25.10.23 which sought to remove military compensation schemes from being considered as income when the Council assesses means tested benefits under its discretionary powers.
3. To ensure that the disregard of any military compensation payments is aligned across all of the Council’s benefit schemes. Currently there are some inconsistencies as outlined in the table below:

Scheme	Disregarded
Discretionary Housing Payment	No disregard applied for military compensation payments
Blue Badge	Automatic qualification if someone receives War Pension Mobility Supplement
Disabled Facilities Grant (Stair Lift, Shower etc).	Small disregard applied of £10.00.
Council Tax Reduction Scheme	Income is disregarded
Housing Benefit	Income is disregarded

4. The motion passed by members extends the disregard of any military compensation payments across all relevant schemes to ensure that members of the armed services community entitlement to a Discretionary Housing Payment is not reduced because of the particular income.
5. To acknowledge the service given by the armed services community, bringing the Council in line with the Royal British Legion’s ‘Credit Their Service’ campaign as outlined in the motion.
6. To update the policy to address minor amendments, language and inconsistencies in the policy wording and to reflect modified working practices that have been strengthened over recent years.

**Recommendations**

7. That Single Executive approve:

- i) The disregard of any military compensation or supplementary payments made under the military compensation or pensions schemes in the assessment of entitlement to Discretionary Housing Payment and/or the Disabled Facilities Grant.
- ii) The updates to wording and language, minor amendments and removal of inconsistencies and presentational issues within the policy.
- iii) That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance to reflect revisions to statutory guidance in the policy.

**Rationale for the recommended decision(s)**

8. Following the 'Credit Their Service Motion' carried by Members at the Council meeting on 25.10.23: ([Public Pack](#))[Agenda Document for Council, 29/11/2023 19:00 \(middlesbrough.gov.uk\)](#) the Executive Member for Finance and Governance was required to ensure that relevant local policies were updated to reflect this position.
9. To formalise the disregard of any military compensation payments where they relate to the assessment of Discretionary Housing Payment and/or the Disabled Facilities Grant.
10. To ensure that the disregard of any military compensation payments is consistently applied (see para 3).
11. The policy is a key decision that impacts on two or more wards and as such requires Executive approval.
12. The report only contains minor variations and updates and does not have a larger impact on the overall budget or policy framework and therefore meets the criteria for Single Executive approval.
13. Delegated authority to the Director of Finance to approve future minor modifications to the policy maintains service operation levels. As a working policy, failure to keep pace with new legislation leaves the Council at risk and can result in inconsistent practices.

**Background and relevant information**

14. Central Government provides local authorities with funding each year through the Discretionary Housing Payment scheme to assist residents who receive Housing Benefit or Universal Credit (Housing Element) and are considered to be suffering hardship.
15. The allocated funding for the scheme in 2023/24 is £398,209. The new allocation for 2024/2025 is still to be confirmed.

16. There is no cost to the Council in respect of the Discretionary Housing Payment scheme as any expenditure up to the Government allocation is fully funded by the Department for Work and Pensions (DWP).
17. Discretionary Housing Payments can be used to support residents in a variety of ways, on condition that it relates to housing expenditure e.g., support with storage fees, removal costs or rent in advance. Maximum length of an award is 26 weeks.
18. The majority of the fund is utilised to support residents who are subject to the welfare reforms introduced in April 2013, including the Spare Room Subsidy Restrictions (a reduction in benefit of 14% or 25% for those with one or more spare bedrooms), the Benefit Cap (which restricts a claimant's benefit income to a set level) and also restrictions to benefit for those who are single and aged under 35 years old.
19. Priority is given to those residents who are potentially at risk of homelessness unless they receive assistance with shortfall in their rent. The Benefit Service works closely with the Housing Options team in such circumstances to ensure residents can remain in their tenancy wherever possible, to prevent unnecessary distress and avoid additional costs associated with any such evictions.

**Other potential alternative(s) (and why these have not been recommended)**

20. Do nothing – however if the policy is not updated it would not be reflective of the motion that has been passed by members (see para 2).

**Impact(s) of the recommended decision(s)**

***Financial (including procurement and Social Value)***

21. There is no cost to the Council in respect of the Discretionary Housing Payment scheme as any expenditure up to the Government allocation is fully funded by the Department for Work and Pensions (DWP).
22. The amendments to the policy are necessary to incorporate the disregard of the military compensation payments and the minor amendments to update the policy will result in no changes to the threshold to services and support provided.

***Legal***

23. The Council is responsible for designing a suitable policy under which to assess the level of financial support required for Discretionary Housing Payments. The assessment is undertaken in accordance with the Discretionary Financial Assistance Regulations 2001 (regulation 4).
24. There are no other legal implications around this policy.

***Risk***

25. The review of the policy ensures that there is adequate governance in place to comply with all relevant legislation and the Council does not breach governance requirements

or fail to deliver organisational priorities (Risk 08-054). In addition, by reviewing the scheme every 3 years, the Council continues to effectively update and amend the scheme to comply with legislative changes (Risk 08-055).

**Human Rights, Public Sector Equality Duty, and Community Cohesion**

26. There are no disproportionate adverse impacts on any group or individuals with characteristics protected in UK equity law.

**Climate Change / Environmental**

27. There are no disproportionate adverse impacts on the aspirations of the Council to achieve net zero, net carbon neutral or be the lead authority on environmental issues.

**Children and Young People Cared for by the Authority and Care Leavers**

28. The Discretionary Housing Payment scheme does not differentiate between applicants for assistance towards a shortfall in their rent or with any housing related cost on the basis of any link to the care system. This policy will therefore have no impact on children and young people cared for by the Authority and Care Leavers.

**Data Protection / GDPR**

29. The collation and use of personal data will be managed in accordance with the Council’s Data Protection policy and the Benefits, Council Tax and Business Rates Privacy Notice [Privacy notice - Housing Benefit and Council Tax Reduction | Middlesbrough Council](#)

**Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
The DHP policy will be updated as outlined above, subject to Executive approval. Publish updated policy and information on the Council’s website by 31 March 2024.	Janette Savage	31 March 2024

**Appendices**

**Appendix 1 - Discretionary Housing Payment Policy**

**Appendix 2 - Initial Impact Assessment**

**Background papers**

No background papers were used in the preparation of this report.

**Contact:** Janette Savage (Head of Resident and Business Support)

**Email:** Janette\_Savage@middlesbrough.gov.uk

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## **Discretionary Housing Payment Policy**

**Live from: 1 April 2024**

**Live until: 1 April 2027**

<b>Title</b>	Discretionary Housing Payment Policy		
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	Service area	Finance	
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## 1.0 Summary

- 1.1 In accordance with the Council's financial regulations and the Discretionary Financial Assistance Regulations 2001 (regulation 4), the policy sets out the legal and regulatory context, the financial assessment process and the review and appeals process applicable to all Middlesbrough residents who apply for the Council's Discretionary Housing Payment (DHP).
- 1.2 The policy sets out the criteria and awarding process and how it aligns to the Council's Welfare Strategy.
- 1.3 It provides a fair and transparent framework consistent with the Council's wider fees and charges and debt management.
- 1.4 Any conflict between the policy and legislation will be resolved by reference to the legislation.

## 2.0 Definitions

<b>DHP</b>	Discretionary Housing Payment – financial assistance to support housing.
<b>DWP</b>	Department for Work and Pensions – Ministerial department within Central government is responsible for welfare, pensions and child maintenance policy.
<b>HB</b>	Housing Benefit – financial assistance to support rent costs if unemployed, on a low income or claiming benefits.
<b>UC</b>	Universal Credit - is a payment to help with living costs.

## 3. Context

- 3.1 Discretionary Housing Payments are awarded under The Discretionary Financial Assistance Regulations 2001 and enable the Local Authority to make payments by way of financial assistance (Discretionary Housing Payments).
- 3.2 In order to qualify applicants must already be in receipt of housing benefit or the housing element of Universal Credit and should be able to demonstrate that more financial support is required for housing costs.
- 3.3 The policy will set out how the scheme operates and the factors to be considered when deciding if a DHP can be awarded. Each case is reviewed and assessed based on this policy to ensure consistency in application.
- 3.4 Funding for the awards is provided by DWP.

## 4.0 Objective

- 4.1 The Council's Discretionary Housing Payment policy has the following objectives:
  - i. to promote a consistent and fair approach to the assessment of eligibility

- ii. to enable awards to be made in a timely and efficient manner;
- iii. sets out the criteria for assessment;

## 5.0 Outcome

5.1 The outcomes expected are:

- i. To ensure Middlesbrough residents clearly understand the eligibility criteria to apply for a DHP; how it can be used and how to access the funding;
- ii. To provide a clear framework to ensure consistent decision making and efficient processing.

## 6.0 Legislative and Regulatory Framework

<b>Local Government Act 1992 (as amended)</b>	Establishes requirements to manage the Council's financial affairs and the appointment of a section 151 officer.
<b>Data Protection Act 2018 Controls the lawful passing of personal data from one part of the Council to another.</b>	Data Protection Act 2018 Controls the lawful passing of personal data from one part of the Council to another.
<b>General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)</b>	The GDPR/DPA2018 place a duty on the Council to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security);
<b>Social Security Contributions and Benefits Act 1992 The primary legislation for the administration of most benefits in the UK</b>	Social Security Contributions and Benefits Act 1992 The primary legislation for the administration of most benefits in the UK.
<b>Social Security Administration Act 1992 The primary legislation for most benefits in the UK</b>	Social Security Administration Act 1992 The primary legislation for most benefits in the UK.
<b>Equality Act 2010 Is an amalgamation of previous antidiscrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age</b>	Equality Act 2010 Is an amalgamation of previous antidiscrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age.
<b>Freedom of Information Act (FOIA) 2000</b>	Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.
<b>Fraud Act 2006</b>	Sets out criminal liability for Fraud

## 7.0 Roles and Responsibilities

<b>Director of Finance / Chief Financial Officer</b>	Under Part 7 of the Council's Constitution, the Chief Financial Officer (Section 151 Officer)
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	<p>is responsible for regulating and controlling the finances of the Council and hence that person will be responsible for the proper administration of the Council's financial affairs.</p> <p>Income relating to all types of debt should be handled in accordance with the Council's Financial Procedure Rules (contained within Section 21 – Debt Collection relating to the responsibilities for Directors, Director of Finance (Section 151 Officer), and Heads of Service.</p>
<b>Head of Service – Resident and Business Support</b>	Overall responsibility for the delivery of the Resident and Business Support Service and the Policy Owner.
<b>Other Heads of Service</b>	Where appropriate, Heads of Service have responsibility.
<b>Service Delivery Manager / Strategic Business Managers</b>	Where appropriate, responsibility for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission.
<b>All staff, contractors, consultants, interns and any other interim or third parties</b>	Responsible for compliance with this policy.
<b>Data Protection Officer</b>	Responsible for provision of advice and guidance to the Council on its obligations in relation to data protection.

## 8.0 Supporting Policies, Procedures and Standards

- 8.1 The following policies, procedures and standards will be implemented across the Council to ensure that the Council's debts are managed effectively and securely.

<b>Welfare Strategy</b>	This provides a framework (e.g. a number of policies – S13a, Crisis Support, Food poverty, etc.) for a joined up approach to a holistic welfare advice and support service.
<b>Data Protection Policy</b>	This summarises the Data Protection Policy position of Middlesbrough Council and how it will comply with legislation, and associated codes of practice and official guidance in relation to the processing of personal data.
<b>Records Retention Schedule</b>	This defines how long different records should be retained to comply with legal, regulatory or other requirements and the proper arrangements for archiving and destruction.
<b>Records Management Policy and supporting procedures</b>	This provides a framework for ensuring that the Council's records are well kept and that the systems used to hold them are fit-for-purpose.
<b>Information Security and Infrastructure Security Technical Policies</b>	These set out policies and standards for the management and maintenance of the security of Council infrastructure and applications.

<b>Vital Records Standards</b>	This sets out how vital records will be identified and the steps to be taken to ensure their protection and preservation.
<b>Vulnerability Policy</b>	Intended for use by Middlesbrough Council employees when engaging with residents/residents where payment of a collectable debt is being considered.
<b>Corporate Debt Write Off Policy</b>	Sets out how Council will consider writing off debt, the process for doing so and facilitates a fair and consistent approach across all Council services.
<b>Debt Management Policy</b>	This sets out how the Council will manage all of its debt and facilitates a fair and consistent approach to the recovery of debt across all Council services.

## 9.0 What is a DHP?

9.1 DHPs provide financial support towards housing costs and can be paid where the Council is satisfied that a resident needs further financial assistance with housing costs and is in receipt of either:

- i. Housing Benefit
- ii. Housing element of Universal Credit

9.2 Owner-occupiers are not eligible to receive DHPs with the exception of Shared Ownership properties which carry a rental liability.

## 10.0 What can a DHP be used for?

A DHP award can be made to cover the following types of rent shortfall:

- i. Reductions in Housing Benefit or Universal Credit where the benefit cap has been applied;
- ii. Reductions in Housing Benefit or Universal Credit for under occupation in the social rented sector;
- iii. Reductions in Housing Benefit or Universal Credit as a result of local housing allowance restrictions;
- iv. Non-dependant deductions;
- v. Income tapers

10.1 A DHP award can be made to cover lump sum costs associated with a housing need such as

- i. Removal costs;
- ii. Rent in advance;
- iii. Deposits for a new tenancy (the property should be considered both appropriate and affordable).

## 11.0 General Principles

11.1 The general principles adopted within this policy are as follows:

- i. To ensure a professional, consistent, and timely approach to dealing with DHP applications,
- ii. Where Data Protection legislation allows, promote a co-ordinated approach towards sharing information internally and managing multiple awards to support financial hardship,
- iii. To ensure that DHP applications are managed in accordance with legislative provisions and best practice.

## **12.0 Delivering the policy**

12.1 The Benefits Service will work in conjunction with internal services, external organisations and direct with residents to take applications for a DHP.

## **13.0 Considerations for an award**

13.1 A DHP award will be considered for residents who meet the qualifying criteria as set out in this policy.

13.2 DHP's enable the Council to provide residents with financial assistance when they need help to meet their housing costs. All applications will be treated on an individual basis. When making a decision on any application, consideration will be given to the following aims:

- i. Alleviate poverty;
- ii. Prevent and tackle homelessness;
- iii. Support vulnerable young people in the transition to adult life
- iv. Encourage Middlesbrough residents to obtain and sustain employment;
- v. Safeguard Middlesbrough residents in their homes;
- vi. Help those who are trying to help themselves;
- vii. Keep families together;
- viii. Help provide stability to children;
- ix. Support the vulnerable in the local community;
- x. Help residents through personal crises and difficult events;
- xi. Support those who are affected by Welfare Reform

13.3 The Council considers that the support provided through the DHP scheme is on the basis that it is regarded as short-term (26 weeks maximum). There may be exceptional circumstances where the support can be provided longer, however this will be considered on a case-by-case basis.

13.4 The Benefits Service may undertake pro-active exercises to determine specific categories of residents who may be eligible for a DHP.

## **14.0 How a claim can be made**

14.1 A claim for DHP can be made electronically through the Council's website using the Council's DHP application form.

14.2 Where a resident is unable to complete an electronic application without assistance, support will be provided by the Benefits Service to complete the application will routinely be offered via a telephone call or an in-person appointment depending on the needs of the resident.

14.3 The Benefits Service may request any reasonable evidence in support of an application for a DHP. Such requests will normally be made in writing/electronic



methods, although if an urgent application is being considered (such as a resident at risk of homelessness) this can be requested via phone.

- 14.4 The resident will be asked to provide the evidence within one month of a request being made and only in exceptional circumstances can this deadline be extended.
- 14.5 The Council reserves the right to verify any information or evidence provided where this is essential to the decision-making process.
- 14.6 If the resident is unable or does not provide the required evidence the application will only be considered on the information that is confirmed.

## **15.0 Homeless / Housing joint working**

- 15.1 Upon receipt of a completed application form for a DHP, if the resident has stated that they are facing eviction proceedings or have been given notice to leave their property or have requested general housing advice, the processing officer will contact the Council's homeless team and share the relevant details.
- 15.2 Applications with support and evidence from the Homeless team will be given priority and the Benefits Service will liaise closely with the team.
- 15.3 In an effort to try and prevent homelessness wherever possible, all applications, whether direct from resident or via internal referrals, will be treated as an emergency application where this is identified as a risk and will be prioritised.

## **16.0 Period of Award**

- 16.1 The length of time over which a payment is made is at the discretion of the Council and will be based on the known facts and evidence supplied. If a DHP is awarded the resident will be notified in writing and this will include the start date and end date of the award (unless it is to cover a one-off housing cost such as a deposit or rent in advance).
- 16.2 The start date of an award will normally be the Monday after the electronic claim is received; or the date on which entitlement to HB / UC housing element commenced as long as the application for the DHP is received within one calendar month of the claim for HB / UC housing element being awarded.
- 16.3 The minimum period for which an award will be made is one week.
- 16.4 The Council will not normally award a DHP for a period exceeding 26 weeks months, although this period could be extended in exceptional circumstances and considered on a case by case basis.
- 16.5 A DHP award can be paid for a backdated period where the resident can show "good cause" as laid out in the Housing Benefit Regulations as to why there was a delay in making a claim.
- 16.6 DHPs cannot be awarded for any period outside an existing HB / UC housing element period under the statutory schemes.

## **17.0 Awarding a DHP**

- 17.1 The assessor dealing with the claim shall consider the full circumstances before deciding whether or not to award a DHP.
- 17.2 Income (including savings and capital) and expenditure for the household is a primary consideration when awarding a DHP. For the purposes of a DHP, military compensation or supplementary payments made under the military compensation or pensions scheme is disregarded.
- 17.3 The following income is normally disregarded for benefit purposes but is not disregarded for a DHP application:
- i. Disability Living Allowance
  - ii. Attendance Allowance
  - iii. Personal Independence Payments
  - iv. Child Maintenance
- 17.4 Where residents are in receipt of the income listed at 17.3 (i to iii) exceptional expenditure relating specifically to their disability will be taken into account.
- 17.5 The following will also be considered:
- Whether the household is / has been / or is threatened with homelessness
  - If the resident is unable to take action to improve his / her situation or if reasonable steps are being taken to change their circumstances i.e. commence employment or reduce ongoing expenditure
  - If it is unreasonable to expect the resident / family to move
  - If, by awarding a DHP, this would assist the resident to move to more suitable accommodation,
  - Any medical issues, or other special needs, of the resident, partner or dependents, or other members of their household
  - The effect of the April 2013 size criteria changes for tenants. Priority will be given to those who:
    - Have had a property significantly adapted to meet disability needs
    - Need additional space because of their disability
    - Are taking the necessary steps to either downsize or take on a boarder / lodger
  - The effect of the Benefit Cap on payments of Housing Benefit or Universal Credit. Priority will be given to those who can demonstrate that they are:
    - Taking the necessary steps to help themselves and are working towards finding employment or trying to find additional income to meet the loss in Housing Benefit / Universal Credit;
    - Taking the necessary steps to move to cheaper alternative accommodation.
  - The amount of shortfall between Housing Benefit / Universal Credit and the rental liability (DHPs cannot be paid for ineligible service charges such as personal heating or water charges, increases in rent due to outstanding rent arrears or certain sanctions and reductions in state benefits)
  - Any non-dependant deductions;
  - Caring responsibilities for family members or others reliant upon the resident but not part of their household;
  - Proximity of essential services relied upon by the resident and their partner to their home;
  - Any special reasons, which make it necessary or desirable for the resident to occupy the dwelling in respect of which the liability arises;
  - Any other special circumstances brought to the attention of the Benefits Service. For example, will the payment of DHP keep the family together, will it support a young person in the transition to adult life, or will it assist in the safeguarding of a vulnerable adult?

- 17.6 The amount awarded will take into account all of the considerations at 17.5. How much the applicant receives depends on the individual situation, therefore it is important that each applicant provides as much detail as possible about their financial situation. Each claim is assessed on its own merit; the Council will always act fairly and consistently and clearly set out how the decision was reached. Any amount can only be equal to or less than the difference between rent liability and the Housing Benefit or Universal Credit Housing element award.
- 17.7 An award of a DHP does not guarantee that a further award will be made at a later date, even if the resident's circumstances have not changed. In these circumstances the assessor should review whether the situation is likely to change and what the resident is doing to alleviate the situation.
- 17.8 If a resident has received multiple awards for a period of 12 months the case should be discussed with the Team Leader or Operations Manager before any further awards are made.
- 17.9 Reasons to award or decline an application should be recorded in all instances.
- 17.10 The Benefits Service will seek to maximise a resident's income by checking the availability of state benefits and other sources of financial assistance that may be available to the resident.
- 17.11 Consideration will also be given to reducing the level of overpayment recovery from on-going housing benefit entitlement if this would assist in a resident's financial circumstances.

## **18.0 Method of Payment**

- 18.1 The Benefits Service will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:
- i. The resident;
  - ii. Their partner;
  - iii. An appointee;
  - iv. Their landlord (or an agent of the landlord); or
  - v. Any third party to whom it might be most appropriate to make payment.
- 18.2 DHP's are paid by bank transfer and the payment frequency will be in line with the Housing Benefit / Universal Credit awards.
- 18.3 For one-off costs a payment will be made to provide immediate assistance.

## **19.0 Notification**

- 19.1 The Benefits Service will aim to inform the resident in writing of the outcome of their application within two weeks of receipt of all information being received.
- 19.2 Where an application is unsuccessful, the letter will set out the reasons for this decision and the right of review. Details of where residents can go for further support will also be provided.
- 19.3 For successful applications the notification will include the following:
- i. The one-off amount or the weekly amount of DHP awarded;
  - ii. The period of the award;

- iii. How, when and to whom the award will be paid;
- iv. The requirement to report a change in circumstances;
- v. The right to request a review / how further assistance can be obtained.

## **20.0 When DHP's Cannot Be Awarded**

20.1 DHPs cannot be awarded in the following circumstances:

- i. Service charges which are ineligible for HB cannot be covered by a DHP. These are as specified in Schedule 1 to the Housing Benefit Regulations. Examples include water charges, personal utility costs or charges for food etc
- ii. Rent arrears accrued whilst not in receipt of HB or UC Housing element
- iii. Reductions in any benefit as a result of a sanction
- iv. Where HB or UC Housing element is suspended
- v. To cover deductions from on-going HB due to an overpayment

## **21.0 Change in Circumstances**

21.1 If a resident's circumstances have changed they must notify the Benefit Service so that the award can be reviewed.

21.2 Reviews will be conducted where information is provided to the Benefit Service from third parties such as DWP.

21.3 It is a requirement for residents to remain in receipt of HB or UC Housing element, and where that ceases the DHP will be cancelled accordingly.

## **22.0 Overpayments**

22.1 In the event that a DHP is found to have been overpaid, officers will consider whether it is appropriate to recover it in full, in part or not at all. As a general rule the Benefits Service will seek to recover any DHP found to be overpaid. Normally this will involve issuing an invoice to the resident or the person to whom the award was paid.

22.2 Any decision to not recover the overpayment will be taken in line with the Council's Debt Write Off Policy.

22.3 Under no circumstances will recovery be made from any amounts of Housing Benefit or Universal Credit due to the resident. The decision letter that notifies an overpayment decision will also set out the right of review.

## **23.0 Decision Reviews**

23.1 DHPs are not subject to the statutory appeals procedure, however, reviews of any decision can be requested. The process is detailed below.

23.2 The resident (or their appointee) should make a written request to the Benefit Service within one calendar month of the written DHP decision being issued to the resident (address details are in the notification letter).

- 23.3 An appeals officer, independent of the original decision will then be appointed to consider the request and review the decision made to ensure it was made in line with the DHP policy.
- 23.4 The resident (or their appointee) will be informed of the appeals officer's decision within 20 working days. This decision is final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.
- 23.5 The appeals officer may extend the time periods for review in exceptional circumstances.

## **24.0 Fraud**

- 24.1 Middlesbrough Council reserves the right to verify any application or associated evidence, and any applicant falsifying their records to gain relief may face prosecution.
- 24.2 Where it is alleged, or the authority suspects that such a fraud may have been committed, the matter will be investigated and if fraud is found to have occurred, action will be taken including the recovery of overpaid monies and, if appropriate, criminal proceedings.

## **25.0 Monitoring and review arrangements**

- 25.1 The implementation and effectiveness of this policy and its supporting procedures will be checked and monitored by the Head of Service and associated management team.
- 25.2 The policy for the first 12 months will be subject to quarterly review, followed by a full review every 3 years.

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**Impact Assessment Level 1: Initial screening assessment**

<b>Subject of assessment:</b>	Discretionary Housing Payment			
<b>Coverage:</b>	Crosscutting			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input checked="" type="checkbox"/> <b>Policy</b>	<input checked="" type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input checked="" type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input checked="" type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input type="checkbox"/> <b>Other (please state)</b>		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b>Key aims, objectives and activities</b> To assess the impact of proceeding with an updated Discretionary Housing Payment Policy</p> <p><b>Statutory drivers</b> The Council is responsible for designing a suitable policy under which to assess the level of financial support required for Discretionary Housing Payments. The assessment is undertaken in accordance with the Discretionary Financial Assistance Regulations 2001 (regulation 4).</p> <p><b>Differences from any previous approach</b> To formalise the disregard of any military compensation payments where they relate to the Discretionary Housing Payment and/or the Disabled Facilities Grant. This follows the ‘Credit their Service’ motion carried by Members at Full Council on 25.10.23 which sought to remove military compensation schemes from being considered as income when the Council assesses means tested benefits under its discretionary powers.</p> <p>To ensure that the disregard of any military compensation payments is aligned across all of the Council’s benefit schemes. To update the policy to address minor amendments, language and inconsistencies in the policy wording and to reflect modified working practices that have been strengthened over recent years.</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b> Key stakeholders: the Council; Service Users</p> <p><b>Intended outcomes.</b> To seek the adoption of a suitable updated policy to provide clear guidance on Discretionary Housing Payments.</p>			
<b>Live date:</b>	1 April 2024			
<b>Lifespan:</b>	Until Further Notice (review every 3 years)			
<b>Date of next review:</b>	1 April 2027			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on individuals in terms of human rights.
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on individuals in terms of equality.
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on relationships between different groups, communities of interest or neighbourhoods within the town.
<b>Next steps:</b> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

<b>Assessment completed by:</b>	Debbie Ingoldsby	<b>Head of Service:</b>	Janette Savage
<b>Date:</b>	23.2.24	<b>Date:</b>	23.2.24

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.