

INITIAL SCREENING – STAGE 1

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Full Equality Assessment is required.

Name of policy, strategy or function: Social Housing Fraud Prosecution and Sanction Policy	Ref: CR – 0813 SHFP&SP
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Responsible Officer: Neil Farquharson	Role: Group Auditor, Corporate Fraud Team
Directorate: Corporate Resources	Assessment Date: August 2013

Is this a: Policy <input checked="" type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input type="checkbox"/>
Is this: New or Proposed <input checked="" type="checkbox"/> Already exists and is being reviewed <input type="checkbox"/> Is Changing <input type="checkbox"/>

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

Aims: Birmingham City Council (BCC) is committed to the prevention, detection, investigation and, where appropriate, prosecution in respect of fraud regarding social housing. The aim is to prevent criminal offences occurring by punishing wrong doing / deterring offending, and making it clear to our customers that they have a responsibility to provide correct information on their applications and to comply with their tenancy conditions.

This function links into the corporate priorities for the Council and its citizens by succeeding economically, staying safe, enjoying a high quality of life, making a contribution and achieving excellence.

There is a separate Equality Assessment (EA) for the Anti-Fraud and Corruption Policy which should be referred to in conjunction with this assessment.

Objectives: The onus is always to prevent fraud, but where it does occur, BCC will take all necessary action to identify and investigate fraud in a timely, consistent and equitable manner and will attempt to recover or minimise losses to the public purse. The purpose of this EA is to ensure that there is no adverse impact on any protected characteristic group in meeting these objectives. Where evidence of an offence(s) is found, consideration will be given to applying a sanction or prosecuting offenders. Every case will be considered on its own merits and there will be due regard to all factors in order to decide whether it is in the public interest to undertake a prosecution, use an alternative sanction or to take no further action. The Proceeds of Crime Act will also be considered in all cases where a prosecution has been authorised and the criteria is met.

Outcomes: BCC will publicise the outcome of successful sanctions and prosecutions, as a deterrent to would be fraudsters.

Benefits: The protection of public funds via this Policy forms an integral part of the Council's overall strategy to prevent, detect and deter fraud; promoting high standards of governance and accountability. It aims to benefit the tax payers of Birmingham and the overall governance of the community.

2. Explain how the main aims of the policy, strategy, function or service will demonstrate due regard to the aims of the General Duty?

1. Eliminate discrimination, harassment and victimisation?
2. Advance equality of opportunity?
3. Foster good relations?
4. Promote positive attitudes towards disabled people?
5. Encourage participation of disabled people?
6. Consider more favourable treatment of disabled people?

The Social Housing Fraud Prosecution and Sanction Policy is the agreed framework for Council officers involved in the investigation, sanction and prosecution of Social Housing fraud, and is in accordance with the provisions of the Social Housing Fraud Act 2012.

Social housing investigations are governed by stringent legislation which has due regard for points 1-3 above and is in place to eliminate or minimise the impact on individuals or groups through its functions, ie: to eliminate discrimination, harassment and victimisation, advance equality of opportunity and to foster good relations. Cases are investigated where there is evidence to suspect fraud and cases are sanctioned or prosecuted where there is prima facie evidence to do so. The policy is applied in accordance with legislation in the United Kingdom. For example, the provision of personal data is in compliance with the Data Protection Act 1998, and handling that data in fraud investigations is in compliance with the Criminal Procedures Investigation Act 1996. The interview with members of the public or third parties is in compliance with the Police and Criminal Evidence Act 1984.

The investigation of individuals or groups is undertaken in accordance with the Criminal Procedures and Investigation Act, The Police and Criminal Evidence Act, The Fraud Act, The Proceeds of Crime Act, The Human Rights Act, The Regulation of Investigatory Powers Act, The Data Protection Act and the Freedom of Information Act. All investigations are compliant with these acts and originate following a suspicion of fraud detected by or reported to the Council. All investigations are undertaken to establish an offence or offences under the specific act; thus eliminating any adverse impact on individuals or groups of individuals. Copies of these Acts are located on the Government websites, for example, the Legislation.gov.uk website, and at libraries, or through available search engines on the internet. A copy of the Police and Criminal Evidence Act Code of Practice is made available in our interview rooms.

The Policy encourages compliance with laid down policies and procedures which are themselves designed to support the Public Sector Equality Duty (as introduced by the Equality Act 2010) as appropriate, for example: through the use of interpreters, making arrangements for 'appropriate adults' to be present with customers who are considered as vulnerable, and observing religious festivals / periods. Specific requests for arrangements for interview and the provision of information in different formats are always met.

3. What does your current data tell you about who your policy, strategy, function or service may affect:

Service users	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Employees	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Wider community	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Please provide an explanation for your 'Yes' or 'No' answer

We have very little data available in relation to this new Policy, and are currently unable to identify how the Policy will impact on the above groups.

We have identified the following action - 'To collect management information from the Counter Fraud System (CFT) as it develops'. We will monitor our findings and review this EA in twelve months' time, when we will consider whether a full EA is required.

During 2012/13 76 properties were recovered which in turn were made available for re-letting to families on the housing waiting list.

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes No

Please provide an explanation for your 'Yes' or 'No' answer

We have no evidence that the Policy could be more detrimental to certain groups.

Birmingham is made up of a diverse community and as such the investigation function has put measures in place to help to promote equality of opportunity. Those investigated for social housing fraud have access to services providing fair treatment to individuals and groups. These include official interpreter services, large print documents on request, a hearing loop facility in meeting and interview rooms, a type talk phone facility, use of Big Word telephone interpreting service, print in other languages on request, establishing the needs of customers who are receiving disability benefit or have confirmed health issues, making arrangements for 'appropriate adults' to be present with customers who are considered as vulnerable, and observing religious festivals / periods.

This Policy will apply to all claimants who are suspected of an offence of social housing fraud, regardless of disability; race; gender; age; gender reassignment; religion or belief; sexual orientation; marriage and civil partnership. However, all investigations are as a result of a risk assessed referral. How different groups experience the function will depend on those referrals identified as sufficiently high risk to require investigation.

In cases of prosecution, all cases are subject to consideration under the Code for Crown Prosecutors in England and Wales; mitigating factors such as serious illness or disability will be considered under the public interest test, but the decision whether to prosecute, depends on the individual circumstances of each case.

Consideration is also given to fraud investigations where a significant mental or physical condition is suspected at any stage of the investigation which suggests that prosecution or an alternative sanction would not be appropriate. In these instances the case is referred to a senior officer to decide whether to continue with the investigation or to close the investigation and record the appropriate outcome.

5. Will the policy, strategy, function or service, have an adverse (negative) impact upon the lives of people, including employees and service users?

Yes

No

Please provide an explanation for your 'Yes' or 'No' answer

The Council is committed to protecting public funds through its actions against benefit fraud. The policy sets out how the Council will address social housing fraud through prosecution and other sanctions available for social housing fraud offences. The policy forms an integral part of the Council's overall strategy to prevent, detect and deter fraud, promoting high standards of governance and accountability. It aims to benefit the tax payers of Birmingham and the overall governance of the community.

The Policy is intended to have a positive impact as it is designed to protect public funds, make sure that social housing is allocated to those most in need, and to ensure that those who are dealt with in accordance with the Policy are treated fairly.

However, one of the outcomes of a social housing fraud investigation is to administer sanctions; including prosecution.

Prosecutions are dealt with by the Criminal Courts which are governed by the Criminal Justice System and operated by Her Majesty's Court and Tribunal Service. Courts can deal with offenders by way of Custody, Community Punishment Orders, Financial Penalties or discharges. This will have an adverse impact on the lives of defendants and their immediate families. Having a criminal conviction may affect the ability to return to gainful employment or in some instances cause the termination of employment.

Another sanction operated by the Council for offences is a caution and likewise these will have an adverse impact on individuals and their families.

Cases taken for prosecution are contested in court via the Criminal Justice system processes.

At all stages within the process it is explained to individuals why the actions are being viewed as being outside of the law and what remedial action will be taken within the legal framework.

6. Is an Equality Assessment required?

If your answer to question 2 has identified potential adverse impact and you have answered '**yes**' to any of the following questions 3, 4, or 5, then you should carry out a Full Equality Assessment.

Does the Policy, Strategy, Function or Service require a Full Equality Assessment? **Yes** **No**

If a Full Equality Assessment is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate Contact Officer.

If a Full Equality Assessment is **Not** required, please sign the declaration and complete the Summary statement below, then forward a copy of the Initial Screening to your Directorate Contact Officer

If a Full Equality Assessment **Is** required, you will need to sign the declaration and complete the Summary statement below, detailing why the Policy, Strategy, Function or Service is moving to a Full Equality Assessment. Then continue with your Assessment

DECLARATION

A Full Equality Assessment not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson: Laeeq Beg

Summary statement:

Completion of the initial screening indicates that the policy is unlikely to have the potential for discrimination or adverse impact upon the lives of people or service users.

Sign-off Date: 22/08/13

We have identified one action and will monitor and review progress against this throughout the remainder of 2012/13.

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

Name: (Officer/Group carrying out the Quality Check)

Suresh Sharma, Equality & Community Engagement Officer

Directorate: Corporate Resources

Contact number: 303 2102

Date undertaken:

21st August 2013

Screening review statement:

"In my opinion this is fine and ready to be signed off".

Equality Assessment Task Group Members

	<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1.	Laeeq Beg	Chairperson / Operations Manager - BCFT	303 1723
2.	Cynthia Carran	Principal Business Auditor - CABS	303 2104
3.	Paula Moloney	Service Specialist - Internal Audit	464 1422
4.	Sue Payne	Service Specialist - BCFT	303 0193

FULL EQUALITY ASSESSMENT– STAGE 2

Step 1– Scoping the Equality Assessment

Building on the material included at the Initial Screening stage, you should begin the Equality Assessment by determining its scope. The Equality Assessment should consider the impact or likely impact of the policy, strategy, function or service in relation to all areas of our remit. The Equality Assessment should be proportionate to the significance and coverage of the policy, strategy, function or service.

1. What data, research and other evidence or information is available which will be relevant to this Equality Assessment? Please tick all that apply

Service Targets	<input type="checkbox"/>	Performance Targets	<input type="checkbox"/>	Service Take-up	<input type="checkbox"/>
User Satisfaction	<input type="checkbox"/>	Press Coverage	<input type="checkbox"/>	Census Data	<input type="checkbox"/>
Workforce Monitoring	<input type="checkbox"/>	Community Intelligence	<input type="checkbox"/>	Previous Equality Impact Assessment	<input type="checkbox"/>
Complaints & Comments	<input type="checkbox"/>	Information from Trade Unions	<input type="checkbox"/>	Staff Survey	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>				

Please provide details on how you have used the available evidence/information you have selected as part of your Assessment?

2. Have you identified any gaps in relation to the above question? Yes No
If 'Yes' please detail including what additional research or data is required to fill these gaps? Have you considered commissioning new data or research?

If 'No' proceed to Step 2.

Step 2 – Involvement and Consultation

Please use the table below to outline any previous involvement or consultation with the **appropriate** target groups of people who are most likely to be affected or interested with this policy, strategy, function or service. (See Appendix 2 - for details on each target group)

Target groups	3. Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
Age	
Disability	
Gender reassignment	
Marriage and Civil partnership	
Pregnancy and maternity	
Race	
Religion and belief	
Sex	
Sexual orientation	

4. Who are the main stakeholders and what are their requirements?

5. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

Step 3 – Assessing Impact and Strengthening the Policy

6. What will be done to improve access to, and take-up of, or understanding of the policy, strategy, function or service?

NB: These are the measures you will take to mitigate against adverse impact.

Step 4 – Procurement and Partnerships

7. Is this project due to be carried out wholly or partly by contractors?

Yes

No

If 'yes', have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation (employment practice/service provision)

Step 5 – Making a Decision

8. Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority's responsibilities in relation to equality and support the council's strategic outcomes?

Step 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan you must identify how you will go about monitoring the policy/function or the proposals, following the assessment, and include any changes or proposals you are making.

9. What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

Step 7 – Action Plan

Any actions identified as an outcome of going through the Steps 1 – 6, should be mapped against the headings within the Action Plan.

NB: summarise/evidence actions taken to mitigate against adverse impact.

10. Taking into consideration the responses outlined in the Initial Screening Stage and Steps 1-6 of the Full Assessment, complete the action plan below.

	Ref (if appropriate)	Actions	Target date	Responsible post holder and directorates	Monitoring post holder and directorates (if appropriate)
Involvement and Consultation					
Data Collection	1	To collect management information from the Counter Fraud System (CFT) as it develops.	31/03/14	Neil Farquharson, Group Auditor CFT, Corporate Resources	Craig Price, Principal Group Auditor, Corporate Resources
Assessing Impact					
Procurement and Partnership					
Monitoring, Evaluation and Reviewing					

Step 8 – Sign-Off

The final stage of the Equality Assessment process is to formally sign off the document as being a complete, rigorous and robust assessment

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Chairperson of Equality Assessment Task Group

Name: Laeeq Beg	Job Title: Operations Manager	Directorate: Corporate Resources	Sign-off Date: 22/08/13
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Quality Check and Review by the Directorate Contact Officer:

Name:	Directorate Team:	Review Date:
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Summary of strengths and area(s) for improvement:

Service Director or Senior Officer (sign-off)

Name: Kay Reid	Job Title: Assistant Director, Audit & Risk Management	Date: 22/08/13
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