

Borough of Poole Equality Impact Assessment

Function:	Bailiff's Code of Practice and Debt recovery Policy
Service Unit:	Financial Services, Revenues Section
Names & roles of officers/ partners undertaking EQIA:	Alan Fletcher – Head of Revenues Chris Wright – Revenues Manager Julie-Ann Wyatt – Business Support Officer
Date completed:	27 th March 2009
Aims of the Function	
<p>The aims of the function are to assist with the efficient and effective collection of revenue owed to the Council. Borough of Poole has a legal duty to ensure the billing, collection, and recovery of all sums due to the Council. The Debt recovery policy:</p> <ul style="list-style-type: none"> - considers that people have a responsibility to pay - aims to identify those who can pay but won't or who delay payment, so that recovery action can be taken accordingly - encourages contact at every stage of the collection and recovery process - aims to help people maximise their income - acknowledges the need to provide a service that is effective but sensitive to individual's needs - acknowledges our responsibility to collect revenue effectively <p>It aims to benefit:</p> <ul style="list-style-type: none"> - The taxpayers of Poole. - This policy and code of practice affects individuals that have not paid their debts and have had enforcement action taken against them resulting in a Bailiff being instructed to attempt collection of the debt. - It is put into practice based on the cases we decide to refer. This policy covers the collection of Council Tax, Business Rates, Sundry Income, Housing and Council Tax Benefit Overpayments and Penalty Charge Notices (Parking Fines). - An external Bailiff company under a contract that is the responsibility of the Revenues Manager/Head of Revenues carries out the function. <p>The contract is monitored, it is a prescribed means of collecting debts owed to the Council where enforcement action has been taken and the terms of the contract which will include a requirement for such things as a code of practice, complaints procedure etc. All information is handled in accordance with the Data Protection Act. The Debt Recovery Policy contributes to the Council priority of, "Improving Efficiency and Effectiveness"</p> <p>The Collection of Council Tax and Non Domestic rates are statutory functions of the Council and must comply with the legislative requirements of:</p> <ul style="list-style-type: none"> • Local Government Finance Act 1988 • Local Government Finance Act 1992 	

Equality Strand	EQIA Evidence
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AI Equality Strands

Key findings:

- It is recognised that people do not pay their debts for a variety of reasons.
- Some people, because of living in or on the margins of poverty, will have difficulty in paying. The Council will use their best endeavours to help such people and to minimise the impact of debt on them. This must be balanced against the duty to collect.

Current mitigating actions/ positive actions

- Some people may be able to pay but do not pay because of an oversight or personal difficulties and not because of a deliberate decision to avoid or delay payment. The Council will seek to help such people develop a culture of payment by encouraging them to get in contact and discuss any difficulties.
- The need for the customer to contact the Council is central to the policy. Where a person makes contact their circumstances will be considered with a view to agreeing a reasonable payment arrangement, minimising recovery action and helping to alleviate hardship. Where people fail to make contact or maintain arrangements, recovery action will continue. Where there are statutory timescales, such as there is with Penalty Charge Notices (Parking Fines), payment arrangements may not be possible.
- Bailiffs Hold a current bailiff certificate issued by the county court or shall be undergoing training to obtain the same. Act within the scope of current legislation and statutory requirements. They have the appropriate knowledge and understanding of relevant legislation and powers (Specific training will be given where necessary).
- Make initial contact with the debtor with the intention of obtaining immediate payment. Where this is not possible an assessment for reasons of non-payment and a judgement whether removal of goods is likely to be appropriate, will be made.
- At least one visit is made outside normal office hours where no contact has been made with the debtor after two visits to the debtor's address during other times.
- In the case of Council Tax debts bailiffs will not remove: - Tools, books, vehicles, equipment used by the debtor for use in the course of employment, business or vocation and any goods will not be removed without the Councils prior notification.

	EQIA Evidence		
<p>People from different age groups</p>	<p>Key findings:</p> <ul style="list-style-type: none"> - Poole is a popular retirement town with an ageing population that is above the national average. Poole aging population is increasing at a rate in line with England and Wales, however the proportion in this age group in Poole runs approximately 5% higher than the proportion of 85+ year olds in England and Wales. The highest concentrations of 85+ year olds live in Canford Cliffs, Poole Town (which is among the most deprived 25% of areas in England) and Parkstone. (Poole's Older People Strategy) - As some people get older it becomes financially more difficult to maintain their properties and keep them in a condition that can be classed as 'decent'. According to the Housing Conditions Survey 2005, the majority of houses in Poole which are classed as 'non decent' fall into that category due to poor thermal efficiency. <p>Current mitigating actions/ positive actions</p> <ul style="list-style-type: none"> - The bailiffs make appropriate decisions and take no further action on vulnerable cases, and will refer these back to the revenues section at the earliest opportunity in case where individuals are fragile from old age 		
<p>Disabled people</p>	<p>Key findings:</p> <ul style="list-style-type: none"> - There are currently 1.2 million disabled people in the UK who are available for and want to work. - Only half of disabled people of working age are in work (50%), compared with 80% of non disabled people. - Employment rates vary greatly according to the type of impairment a person has; only 23% of people with mental health problems are in employment. - Only 11% of people with learning disabilities access paid work. 24% of disabled people have no qualifications compared to 9% of non disabled people. Nearly one in five people of working age (6.9 million, or 19%) in Great Britain are disabled. <p>Current mitigating actions/ positive actions</p>		

	<ul style="list-style-type: none"> - The bailiffs make appropriate decisions and take no further action on vulnerable cases, and will refer these back to the revenues section at the earliest opportunity in particular in cases of Mental disability and long term or acute illness, - That all notices left with or sent to a debtor are neither ambiguous nor misleading. - All correspondence will be clearly written, without the use of jargon and will contain, where appropriate, information about where to get independent advice. We will also provide help to translate documents into other formats, when requested. - Provision of large print letters for the visually impaired. - Liaison with Social Services, Citizens Advice Bureau, Poole Housing Partnership and Housing and Community Services in sensitive cases, where needs have been identified.
<p>People of different faith or belief</p>	<p>Key findings:</p> <ul style="list-style-type: none"> - Census 2001 Almost ¾ of Poole’s population said they were Christian. 16% stated they had no religion, for 8% religion was not stated, and the remaining 1% belong to other denominations. <p>Current mitigating actions/ positive actions</p> <ul style="list-style-type: none"> - Team that are fully trained in revenues and undertake corporate Embracing Diversity Training. Training on faith and belief will improve the service further in giving confidence to the staff to assist further in supporting customers. - All bailiffs are made aware of the main religious holidays and avoid them. - If the bailiff attends and debtor indicates they should not be disturbed because of a particular holiday, the bailiff will check the date and withdraw from the premises and re-visit on another day.
<p>Gender / Trans people</p>	<p>Key findings:</p> <ul style="list-style-type: none"> - Women are 7 times more likely to be out of employment as a result of family responsibilities. - About a quarter of all families in the UK are headed by a lone mother. In 2001 there were 3,277 lone parent households in Poole - Women are much more likely to be working part time. <p>Current mitigating actions/ positive actions</p> <ul style="list-style-type: none"> - The bailiffs make appropriate decisions and take no further action on vulnerable cases, and will refer these back to the revenues section at the earliest opportunity in particular in cases the final weeks of pregnancy

<p>Black and minority ethnic people</p>	<p>Key findings:</p> <ul style="list-style-type: none"> - National research - BME still experience different employment patterns. 3 times more likely to be unemployed – and there are disparities between different BME groups – eg Bangladeshis have lowest employment rate. This can be compounded for BME women. - Census 2001 Poole data BME communities made up 4% of the population (1.2% from white other groups). Anecdotally the view is that the make up of the BME population is diversifying. From schools census data shows a changing BME population. There are geographical concentrations of BME businesses – e.g. in Poole Old Town and Ashley Road <p>Current mitigating actions/ positive actions</p> <ul style="list-style-type: none"> - We are now using the corporate “access statement” on all publications. - If a Bailiff encounters a debtor who cannot speak English, they would refer back to the council in order to access the Corporate Translation Service ‘Big Word’ and face to face interpreting services where appropriate. - That all notices left with or sent to a debtor are neither ambiguous nor misleading, issued in plain English.
<p>Lesbian, Gay or Bisexual people</p>	<p>Key findings:</p> <ul style="list-style-type: none"> - There are no accurate demographic figures for the proportions of the population in Poole who regard themselves as heterosexual, gay, lesbian or bisexual. The government uses the figure of 5-7% of the national population, which is considered a reasonable estimate (Stonewall.org.uk). - There is a broad estimate that between 5% and 10% of the local population in the South West define themselves as lesbian or gay, with a further cohort of unknown size defining themselves as bisexual to a degree or context that affects their self-awareness or day-to-day life (A Firmer Foundation). - In Poole, 214 people aged 16 and over identified themselves as part of a same-sex couple, in the 2001 Census (Neighbourhood Statistics). <p>Current mitigating actions/ positive actions</p>
<p>Review date:</p>	<p>27th March 2012 Sent record to PERD Rep and Improvement and Policy Officer – Equalities Yes</p>