

Customer Access Review – Full Assessment

Assessment details	
Assessment area	Draft Housing Recharge Policy
Date of assessment	18 April 2022
Directorate and Service	Housing and Public Protection, Housing Services
Manager	Housing Development & Policy Manager
Officer conducting assessment	Senior Housing and Performance Officer
Step 1: Scoping the assessment	
1. What are the aims and objectives of the activity or proposal?	<p>The draft Housing Recharge Policy sets out the items that existing and former tenants, leaseholders and those who have received other financial assistance may be charged for and the process of recharging in relation to repairs and maintenance that are the responsibility of the resident.</p> <p>The aims of the Housing Recharge Policy are to:</p> <ul style="list-style-type: none"> • Promote a responsible attitude from residents towards their property proactively through the provision of information and support and reactively by ensuring that costs, where justified, are pursued from those who are negligent or deliberately cause damage. • Ensure rechargeable items are set out with transparency, clearly communicated and dealt with efficiently and fairly. • Recover the costs of rechargeable items, where justified, from current and former tenants, those who have previously received short term recoverable financial assistance and leaseholders. • Maximise income by the recovery of debts owed relating to rechargeable items in the interest of both the Council and their tenants and leaseholders whilst having regard to the Council's overall statutory duties including to the vulnerable (such as through the provision of affordable repayment plans).
2. Who will be affected by the activity or proposal?	The Housing Recharge Policy will affect current and former Dartford Borough Council tenants, Council leaseholders and those who have received other financial assistance from the Council (i.e. homeless applicants or those threatened with homelessness for example short term loans to assist with housing payments, rent deposit scheme, removal costs and any other associated costs that may be deemed rechargeable).
3. How does the activity or proposal contribute to: a) any key performance indicators?	<p>a) The Housing Recharge Policy does not contribute towards any Corporate Plan performance indicators.</p> <p>b) The Housing Recharge Policy contributes to the Corporate Plan strategic aim of 'facilitating quality, choice and diversity in the housing market, assist in meeting housing need in Dartford and deliver high quality services to service users'.</p>

Customer Access Review – Full Assessment

Step 1: Scoping the assessment	
b) policies, values or objectives of Dartford Borough Council?	
<p>4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?</p>	<p>The Housing Recharge Policy aims to comply with the Equality Act 2010 including the public sector equality duty (section 149).</p> <p>The Council's Tenancy Agreement is a legal document which provides that the Tenant, those living with the Tenant and their visitors must take reasonable care to prevent damage to the property, decoration, fixtures and fittings, council supplied furniture (if applicable), communal areas and neighbouring properties</p> <p>The Lease Agreement is a legal document and provides that the Leaseholder shall be responsible for the repair, decoration or maintenance of the property.</p> <p>Each recharge case will be considered on its merits and discretion may be exercised depending on the particular circumstances, for example where vulnerable households are involved.</p>
Step 2: Information collection	
<p>5. What do you know about the groups of people who will be affected? (i.e. demographic information in relation to the protected characteristic groups of age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment, marriage and civil partnership)</p>	<p>The Council provides accommodation for 5,126 tenants in general needs accommodation and housing scheme accommodation for older people in 11 schemes supporting 489 tenants. Information in relation to the protected characteristics of tenants is captured by the service, as follows:</p> <ul style="list-style-type: none"> • Gender – 64.28% tenants are female and 35.62% tenants are male (0.10% unknown). • Age – 1.60% of tenants are aged under 25; 49.63% are aged 25 to 55 years; 20.50% are aged 66 to 65 years; and 28.27% are aged 65 years and over. • Ethnicity – 54.92% of tenants are from a White ethnic group and 19.29% are from a Black Minority Ethnic (BME) group. The ethnic group of 25.79% of tenants is unknown. The Other ethnic group is the largest BME group with 12.62% tenants, the majority of which are within the European Non Irish group. • Disability – 17.30% of tenants have recorded on their tenancy file that they have a disability. <p>Equality monitoring data on leaseholders is not collected as the Council only receives limited information on a sale or transfer.</p>

Customer Access Review – Full Assessment

Step 2: Information collection	
6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings	The Dartford Tenant's and Leaseholders' Forum were consulted on the proposals as the representing body. One positive comment was received which did not impact on the wording of the Policy.
7. Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?	No.

Step 3: Assessing the equality impact

8. **Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the Public Sector Equality Duty:**

- a) tackling unlawful discrimination
- b) promoting equality of opportunity
- c) promoting good relations

NOTES:

- The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration
- For existing activities, consider how they are working in practice for each relevant protected group
- For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group
- If there is no identified equality impact, please tick the 'No Impact' box and explain why in question 9
- If the equality impact is unclear, please tick the 'Unknown' box and explain why in question 9

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age		Residents may be recharged who are unable to fulfil their repair and maintenance responsibilities or the property suffers accidental or un-wilful neglect/damage as a result of the resident's vulnerability due to older age and frailty. Consideration of how this impact is mitigated is covered further under the sub-heading 'Discretion and Exceptions' in question 11.	<input type="checkbox"/>	<input type="checkbox"/>
Disability	In accordance with the Council's Equality & Diversity Document Framework, the Housing Recharge Policy and information about residents' responsibilities and recharges, can be provided in alternative formats, including: Braille, audio tape and large print versions of documents. British Sign Language interpreting services can be provided upon request. Calls can also be received via Relay UK.	Residents may be recharged who are unable to fulfil their repair and maintenance responsibilities or the property suffers accidental or un-wilful neglect/damage as a result of the resident's vulnerability due to disability, or if the property suffers damage as a result of the resident being a victim of violence, ASB/hate crime motivated by hostility or prejudice based on their protected characteristic of disability. Consideration of how this impact is mitigated is covered further under the sub-heading 'Discretion and Exceptions' in question 11.	<input type="checkbox"/>	<input type="checkbox"/>
Sex		Residents may be recharged who are unable to fulfil their repair and maintenance responsibilities or the property suffers damage as a result of the resident being a victim of domestic abuse. This is of relevance to the protected characteristic of sex as most domestic abuse victims are female. This impact is considered further under the sub-	<input type="checkbox"/>	<input type="checkbox"/>

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
		heading 'Discretion and Exceptions' in question 11.		
Gender reassignment		Residents may be recharged who are unable to fulfil their repair and maintenance responsibilities or the property suffers damage as a result of the resident being a victim of violence, ASB/hate crime motivated by hostility or prejudice based on their protected characteristic of gender reassignment. Consideration of how this impact is mitigated is covered further under the sub-heading 'Discretion and Exceptions' in question 11.	<input type="checkbox"/>	<input type="checkbox"/>
Race	In accordance with the Council's Equality & Diversity Document Framework, the Housing Recharge Policy and information about residents' responsibilities and recharges, can be provided in alternative formats, including: documents translated into other languages. Telephone and face-to-face language interpreting can be provided upon request.	Residents may be recharged who are unable to fulfil their repair and maintenance responsibilities or the property suffers damage as a result of the resident being a victim of violence, ASB/hate crime motivated by hostility or prejudice based on their protected characteristic of race. Consideration of how this impact is mitigated is covered further under the sub-heading 'Discretion and Exceptions' in question 11.	<input type="checkbox"/>	<input type="checkbox"/>
Religion/Belief		Residents may be recharged who are unable to fulfil their repair and maintenance responsibilities or the property suffers damage as a result of the resident being a victim of violence, ASB/hate crime motivated by hostility or prejudice based on their protected characteristic of religion or belief. Consideration of how this impact is mitigated	<input type="checkbox"/>	<input type="checkbox"/>

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
		is covered further under the sub-heading 'Discretion and Exceptions' in question 11.		
Sexual Orientation		Residents may be recharged who are unable to fulfil their repair and maintenance responsibilities or the property suffers damage as a result of the resident being a victim of violence, ASB/hate crime motivated by hostility or prejudice based on their protected characteristic of sexual orientation. Consideration of how this impact is mitigated is covered further under the sub-heading 'Discretion and Exceptions' in question 11.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and Civil Partnership*			<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Regarding the protected characteristic of Marriage and Civil Partnership – public bodies need to comply with the first aim of the Public Sector Equality Duty and only in the context of employment.

Step 3: Assessing the equality impact	
9. If 'no impact' or 'unknown' was selected, please explain	This assessment has identified that the Housing Recharge Policy will be relevant to the protected characteristic groups of age, disability, sex, gender reassignment, race, religion or belief, and sexual orientation. There are no known circumstances where the Policy will have relevance to or a disproportionate equality impact on the protected characteristic groups of pregnancy/maternity and marriage and civil partnership.
10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups	Implementation of the Housing Recharge Policy does not involve partnership working with any other organisation, other than internally through the Council's Finance Team. There are no known circumstances where partnership working with the Finance Team would give rise to disproportionate equality impacts.

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact	
<p>11. Any other comments</p>	<p><u>DISCRETION AND EXCEPTIONS</u></p> <p>The Housing Recharge Policy is relevant to the Equality Act 2010 aim to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act in the context of ensuring that recharges are applied fairly, and that any discretion used and exceptions to waive recharges, do not discriminate against one or more protected characteristic group.</p> <p>The potential relevant groups identified in this assessment regarding discretion and exceptions include age (vulnerable older adults), disability, sex, gender reassignment, race, religion or belief and sexual orientation. This is where such groups may be unable to fulfil their repair and maintenance responsibilities or the property suffers accidental and/or un-wilful neglect/damage as a result of the resident’s vulnerability and/or if the resident is a victim of domestic abuse, violence, ASB/hate crime.</p> <p>The Policy also relates to the aim to advance equality of opportunity between persons who share a protected characteristic and those who do not in the context of ensuring that the potential relevant groups have equality of opportunity for consideration of discretion and exception to a recharge, where appropriate.</p> <p>Paragraphs 5.1 and 6.5 states that <i>“as a result of accidental damage. Each case will be considered on its merits, and discretion may be exercised depending on the circumstances, for example, where vulnerable people are involved”</i>.</p> <p>Section 11 of the draft Policy sets out exceptions to recharges, where paragraph 11.4. currently states that <i>‘the cost of a recharge may be waived (in full or in part) in exceptional circumstances where evidence can be provided to justify such waiver, e.g. it may be appropriate to waive if the Tenant/Leaseholder has a disclosed, prolonged or considerable disability, mental health issue, learning difficulty or where a recharge would result in considerable financial hardship’</i>.</p> <p>It is not recommended that discretion and exception considerations should be made on a fragmentary basis, as this could risk an unintended consequence of a recharge being applied to a resident whose circumstances could justify the recharge to be waived, for example if the resident does not make the Council aware of their circumstances and/or the Council does not check this before a decision is made. By understanding the circumstances and protected</p>

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact	
	<p>characteristics of all cases will ensure this is contentiously and consistently taken into account as part of the assessment process and before every decision. This could also mitigate potential disputes and complaints.</p> <p><i>Recommendation 1: Consideration is given to including a statement in the Housing Recharge Policy to set out that before a recharge invoice is raised, the circumstances of the resident to be recharged should be considered in all cases, taking into account the protected characteristics under the Equality Act 2010 as well as their vulnerability and whether proceeding with the charge is appropriate and in the Council's best interests.</i></p> <p><u>DISPUTES</u></p> <p>The Housing Recharge Policy is relevant to the Equality Act 2010 aim to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act in the context of ensuring that the process of dispute resolution does not discriminate against one or more protected characteristic groups. It is also relevant to the aim to advance equality of opportunity between persons who share a protected characteristic and those who do not in the context of ensuring that everyone has equality of opportunity to access the dispute resolution process. This section of the Policy affects all residents who wish to instigate the dispute resolution process.</p> <p>Section 11 of draft Policy sets out the dispute resolution process, where the Council will fully investigate any disputed rechargeable costs. If the resident remains dissatisfied with this, a complaint may be lodged within 21 days of the review decision which will be investigated through the Council's formal complaints process.</p> <p>Paragraph 11.1 of the draft Policy currently states that <i>“subject to any legislative requirements, disputes of recharges must be received in writing by the Housing Maintenance and Repairs Manager within 21 days of the invoice been sent”</i>. The draft Policy does not however clarify who will carry out the investigation, in relation to whether this will be the officer who made the original recharge decision (i.e. the Housing Maintenance and Repairs Manager or other officer nominated by the Head of Housing) or another officer.</p>

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact	
	<p>If the investigation is carried out by an officer senior and independent to the officer who made the original decision on the recharge (i.e. the Head of Housing), this may increase assurance of impartiality and fairness in the process, also supported by good record keeping of the reasons/justifications for the original decision and the decision following triggering of the dispute resolution process.</p> <p><i>Recommendation 2: Consideration is given to including a statement in the Housing Recharge Policy setting out that the investigation is carried out by an officer senior and independent to the officer who made the original decision (i.e. the Head of Housing).</i></p>

Step 4: Action plan

<p>12. Based on the information in Steps 1 to 3, please list the actions that will be taken to address:</p> <p>a) any gaps in information and consultation</p> <p>b) how any negative impacts on equality will be mitigated or eradicated</p>
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<p>a) If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?</p>

Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer

<p>b) If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?</p>

Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
Risk an unintended consequence of a recharge being applied to a resident whose circumstances could justify the recharge to be waived	Recommendation 1: To consider including a statement in the draft Housing Recharge Policy setting out that before a recharge invoice is raised, the circumstances of the resident to be	By understanding the circumstances and protected characteristics of all cases this is conscientiously and consistently taken into account as part of the assessment process	January 2022	Number, nature and reasons for exceptions to recharges, including monitoring by protected characteristic groups	Housing Development & Policy Manager

Customer Access Review – Full Assessment

Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
<p>The affected groups include age, disability, sex, gender reassignment, race, religion or belief and sexual orientation</p>	<p>recharged should be considered in all cases, taking into account the protected characteristics under the Equality Act 2010 as well as their vulnerability and whether proceeding with the charge is appropriate and in the Council's best interests</p>	<p>and before every decision</p>			
<p>The draft Policy does not clarify who will carry out the investigation of a disputed recharge</p> <p>and;</p> <p>There could be potential negative impact should the investigation be carried out by the same officer who made the original recharge decision</p> <p>This affects all residents subject to</p>	<p><u>Recommendation 2:</u> Consideration is given to including a statement in the Housing Recharge Policy setting out that the investigation is carried out by an officer senior and independent to the officer who made the original decision (i.e. the Head of Housing).</p>	<p>Increased assurance of impartiality and fairness in the dispute process</p>	<p>January 2022</p>	<p>Number, nature and outcomes of disputes raised regarding recharges including, monitoring by protected characteristic groups</p>	<p>Housing Development & Policy Manager</p>

Customer Access Review – Full Assessment

Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
the dispute resolution process					

Step 5: Decision making and future monitoring	
13. Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?	Director of Housing and Public Protection
14. Is the subject of the Customer Access Review going to committee? If yes, include your findings in the committee report and attach this assessment to the report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
15. How will you continue to monitor the activity or proposal on protected characteristic groups?	<p>Effective monitoring of the Housing Recharge Policy would include monitoring the:</p> <ul style="list-style-type: none"> • number, nature and outcomes of disputes raised regarding recharges including, monitoring by protected characteristic groups • number, nature and reasons for exceptions to recharges, including monitoring by protected characteristic groups • number, nature and outcomes of corporate complaints raised regarding recharges including monitoring by protected characteristic groups.
16. When will you review this Customer Access Review?	New assessments will be undertaken in conjunction with the review of the policy, sooner, in the event of major legislative or operational changes.

Step 6: Final steps	
17. Once this Customer Access Review has been approved, send this assessment to the Policy & Projects Officer	
18. Implement the actions identified from this Customer Access Review and ensure progress is monitored and recorded	