

Colchester Borough Homes

Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: screening stage

Name of policy, service or strategy to be assessed:

Compensation Policy

1. What is the main purpose of the policy, service or strategy?

To ensure that:

- We provide a consistent, fair and proportionate response to service failures whilst recognising that each situation needs to be considered on the merits and particular circumstances of the claim
- Practical solutions are explored completely to remedy the situation
- Compensation is properly assessed, monitored and controlled

2. What main areas or activities does it cover?

- Introduction and purpose
- Policy Details
- The Claim Process
- Apologies and Goodwill Gestures
- Right to Appeal
- Consultation
- References
- Related Documents

3. Who are the main audience, users or customers who will be affected?

- Customers
- Staff
- Board

4. What outcomes do you want to achieve from the policy, service or strategy?

To ensure that:

- We provide a consistent, fair and proportionate response to service failures whilst recognising that each situation needs to be considered on the merits and particular circumstances of the claim
- Practical solutions are explored completely to remedy the situation
- Compensation is properly assessed, monitored and controlled

5. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- Insurers in certain cases

6. Does the policy, service or strategy help to further or facilitate our 'general duty'¹ to:

(a) eliminate unlawful discrimination, harassment and victimisation?

(b) advance equality of opportunity between people who share a 'protected characteristic'² and those who do not?

(c) foster good relations between people who share a protected characteristic and those who do not?

- Yes

7. If you answered 'yes' to any of the sections in Question 6 (above), please complete the following in order to identify how the policy, practice or strategy furthers the aim of the 'general duty':

¹ These three points summarise the 'general duty' as it applies to public sector organisations in the Equality Act 2010

² The Equality Act's 'protected characteristics' include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

| 'Protected characteristic' group | | How does it help to 'eliminate unlawful discrimination, harassment and victimisation'? | How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'? | How does it help to 'foster good relations between those who share a protected characteristic and those who do not'? |
|----------------------------------|---|---|---|--|
| Age | Older people (60+) | <ul style="list-style-type: none"> • Anyone can apply for compensation, regardless of their protected characteristics. • Policy clearly sets out circumstances where compensation can be applied for, the process involved and the right to appeal. • Each claim considered on the merits and particular circumstances of the claim, whilst providing a consistent, fair and proportionate response. | | |
| | Younger people (17-25) and children (0-16) | | | |
| Disability | Physical | | | |
| | Sensory | | | |
| | Learning | | | |
| | Mental health issues | | | |
| Ethnicity ³ | White | | | |
| | Black | | | |
| | Chinese | | | |
| | Mixed Ethnic Origin | | | |
| | Gypsies/ Travellers | | | |
| Language | English not first language | | | |
| Pregnancy and Maternity | Women who are pregnant or have given birth in last 26 weeks | | | |
| Religion or Belief | People with a religious belief (or none) ⁴ | | | |
| Sex | Men | | | |

³ Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British); African, Caribbean, Other Black (Black or Black British); White and Black African, White and Asian, White and Black Caribbean (Mixed); British, Irish; Other White (White); Chinese, Other (Other ethnic group).

⁴ For example, Buddhist, Christian, Hindu, Jewish, Muslim, Sikh or no religious belief.

| 'Protected characteristic' group | | How does it help to 'eliminate unlawful discrimination, harassment and victimisation'? | How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'? | How does it help to 'foster good relations between those who share a protected characteristic and those who do not'? |
|---|--|---|---|--|
| | Women | <ul style="list-style-type: none"> • Anyone can apply for compensation, regardless of their protected characteristics. • Policy clearly sets out circumstances where compensation can be applied for, the process involved and the right to appeal. • Each claim considered on the merits and particular circumstances of the claim, whilst providing a consistent, fair and proportionate response. | | |
| | Transsexual / gender reassignment | | | |
| Sexual Orientation | Lesbian, gay and bisexual | | | |
| Marriage and Civil Partnership ⁵ | People who are single, married or in a civil partnership | | | |

8. Are there any concerns that the policy, service or strategy could have a differential impact in terms of equality?

- Yes. Form needs to be completed to make a claim. Some people may require help with this if they have low literacy levels, cannot write due to a physical disability, or have learning or mental health disabilities. Also, those who do not have English as their first language may require help via translation or interpretation services. See table below and section 10.

⁵ Our legal duty in respect of 'marriage or civil partnership' extends only to the need to eliminate unlawful discrimination.

Please use the table below to indicate how the policy, service or strategy could have a positive or negative effect on any of the following equality groups (known under the Equality Act as ‘protected characteristics’). Include reference to any consultation, data or information that you have used in making this assessment about positive or negative effects.

| ‘Protected characteristic’ group | | Positive Impact | Explain how it could benefit the group | Negative Impact | Explain how it could disadvantage the group |
|----------------------------------|--|-----------------|--|-----------------|--|
| Age | Older people (60+) | X | <ul style="list-style-type: none"> • Policy applies to all regardless of protected characteristics. • Policy clearly sets out circumstances where compensation can be applied for, the process involved and the right to appeal. | | None identified |
| | Younger people (17-25) and children (0-16) | | | | None identified |
| Disability | Physical | | <p>Each claim considered on the merits and particular circumstances of the claim, whilst providing a consistent, fair and proportionate response</p> | X | Some people with a physical disability may be unable to write due to their disability and therefore would be unable to fill in the claim form. They would therefore need help and support to make the claim, including someone to complete the form on their behalf. |
| | Sensory | | | X | Some people with a visual impairment may be unable to write due to their disability and therefore would be unable to fill in the claim form. They would therefore need help and support to make the claim, including someone to complete the form on their behalf. |

| 'Protected characteristic' group | | Positive Impact | Explain how it could benefit the group | Negative Impact | Explain how it could disadvantage the group |
|----------------------------------|-------------------------------|-----------------|---|-----------------|---|
| | Learning | X | <ul style="list-style-type: none"> • Policy applies to all regardless of protected characteristics. • Policy clearly sets out circumstances where compensation can be applied for, the process involved and the right to appeal. <p>Each claim considered on the merits and particular circumstances of the claim, whilst providing a consistent, fair and proportionate response</p> | X | Some people with a learning disability may have problems understanding or completing the form They would therefore need help and support to make the claim, including someone to complete the form on their behalf. |
| | Mental health issues | | | X | Some people with a mental health disability may be unable to fill in the claim form. They would therefore need help and support to make the claim, including someone to complete the form on their behalf. |
| | Other – <i>please specify</i> | | | | |
| Ethnicity | White | | | | None identified |
| | Black | | | | None identified |
| | Chinese | | | | None identified |
| | Mixed Ethnic Origin | | | | None identified |
| | Gypsies/ Travellers | | None identified | | |
| | Other – <i>please state</i> | | None identified | | |

| 'Protected characteristic' group | | Positive Impact | Explain how it could benefit the group | Negative Impact | Explain how it could disadvantage the group |
|----------------------------------|---|-----------------|---|-----------------|---|
| Language | English not first language | X | <ul style="list-style-type: none"> • Policy applies to all regardless of protected characteristics. • Policy clearly sets out circumstances where compensation can be applied for, the process involved and the right to appeal. <p>Each claim considered on the merits and particular circumstances of the claim, whilst providing a consistent, fair and proportionate response</p> | X | Some people who do not have English as their first language may not be able to read English, therefore they will need the form either translated into their first language, or will need an interpreter to talk through the policy/form with them to see if they have a valid claim. They will then need someone to complete it for them on their behalf. |
| Pregnancy and Maternity | Women who are pregnant or have given birth in last 26 weeks | | | | None identified |
| Religion or Belief | People with a religious belief (or none) | | | | None identified |
| Sex | Men | | | | None identified |
| | Women | | | | None identified |
| | Transsexual / gender reassignment | | | | None identified |
| Sexual Orientation | Lesbian, gay and bisexual | | | | None identified |
| Marriage and Civil Partnership | People who are single, married or in a civil partnership | | | | None identified |

9. Could the policy, service or strategy discriminate⁶ against any ‘protected characteristic’, either directly or indirectly?

Those who have a low literacy level, those who are unable to write due to a physical or sensory disability, those with a learning disability, or mental health disability, or those who do not have English as their first language could be indirectly discriminated against if they cannot read the form or complete the form for compensation. This is why we have a number of measures to help mitigate against these potential impacts (see 10 below). The result is that the policy will not result in unlawful discrimination against any of the protected characteristics.

10. If you have identified any negative impacts above, have you been able to minimise or remove them, and if so, how?

Some people with a physical, sensory, learning or mental health disability may be unable to write due to their disability and therefore could be unable to fill in the claim form.

Colchester Borough Homes will make arrangements to assist with this process on request. Staff will also explain the policy verbally on request.

Some people who do not have English as their first language may not be able to read English, therefore they will need the form either translated into their first language, or will need an interpreter to talk through the policy/form with them to see if they have a valid claim. They may need someone to complete the form for them on their behalf.

Translation and interpretation services will be used where appropriate to assist people who do not have English as their first language.

⁶ Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their ‘protected characteristic’ whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or Marriage and Civil Partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their ‘protected characteristic’ unless the practice can be objectively justified by a legitimate aim.

Summary and findings of Initial Equality Impact Assessment – screening stage

11. Please put a tick in the relevant box to confirm your findings, and what the next step is:

| Findings | Action required |
|---|---|
| No likely negative impacts have been identified and this has been justified with reference to consultation, data or information. <input type="checkbox"/> | Sign off screening and finish. |
| Likely negative impacts have been identified but have been minimised or removed. X | Sign off screening and finish. |
| Likely negative impacts were identified but have not been minimised or removed. <input type="checkbox"/> | Sign off screening and complete a full impact assessment – Section 2. |
| There is insufficient evidence to make a judgement. <input type="checkbox"/> | Sign off screening and complete a full impact assessment – Section 2. |

12. Name and job title of person completing this form:

- Ria Eustace Service Improvement Officer

13. Date of completion:

- August 2017

14. Date for update or review of this screening:

- August 2020