Equality Impact Assessment (EIA): Stage 1: Initial Screening Form for New/Revised Policies or Functions

A: Summary Details

Directorate: Development and Renewal – Housing

Section: Housing Benefit

Person responsible for the assessment: Sue Oakley, Dave Curtis, Jebin Syeda

Contact details:
Sue Oakley (Investigations Manager) sue.oakley@towerhamlets.gov.uk 020 7364 7423
Dave Curits (Determinations Team Leader) dave.curtis@towerhamlets.gov.uk 020 7364 7421
Jebin Syeda (Policy Officer) jebin.syeda@towerhamlets.gov.uk 020 7364 7503

Name of Policy to be assessed: Housing Benefit Fraud, this is an existing policy.

B: **Preparation**

It is important to consider all available information that could help determine whether the policy could have any potential adverse impact. Please attach examples of available monitoring information, research and consultation reports.

1. Do you have monitoring data available on the number of people (from different target groups) who are using or are potentially impacted upon by your policy? *Please specify what monitoring information you have available (your monitoring information should be compared to the current available census data to see whether a proportionate number of people are taking up your service).*

The benefit fraud service does not currently have sufficient diversity information on which to form a judgement on whether there are disproportionate outcomes.

The benefit fraud service reports on a number of Best Value performance indicators which are the following:
1. Number of fraud visits made
2. Number of fraud investigators
3. Number of fraud investigations
4. Number of prosecutions and sanctions

Diversity data is captured through the housing benefit application form, some data is available in electronic format on the Housing IT system and some in clerically form. This does not read across to the benefit fraud records.

Monthly benefit service performance monitoring reports are produced for the management team covering CPA and BVPI performance measures, these again do not breakdown by diversity.

2. If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data for this area? If not, specify the arrangement you intend to make; if not please give a reason for your decision.

The benefit fraud IT system is a separate system to that of the central housing IT system, limiting the ability to read across data sets. This means that even where data does exist it cannot be used effectively and monitoring of diversity is further constrained as the service will then have to try and capture the data during the investigation which will be less comprehensive as the suspected fraudulent claimant is less likely to offer to give the information.

The IT support package used for monitoring benefit fraud does not capture the diversity monitoring information as part of the system although the internal referral form does capture age and ethnic origin. The service does not currently produce any monitoring reports by diversity.

The housing benefit service does not currently have comprehensive data available. The benefits application form does capture diversity monitoring of some of the diversity categories, this is yet to be fully migrated to the Housing IT system. This would give an indication of the profile of claimants seeking benefit assistance which can be used to compare with the profile of those in the profile of benefit fraud and can be read across to cases of benefit fraud investigations. There are also cases where monitoring data exists clerically but is not available in electronic format; the ability of the service to analyse and produce reports is significantly constrained with two separate systems.

The service will need to make a decision to integrate the housing benefit fraud system to the integrated housing IT system so that data matching can be made accurately for the purposes of monitoring fraud. The ability to produce statistics on the fraud investigation process will enable the service to demonstrate that is has clear systems in place and is able to demonstrate that the service investigates not on the basis of the background of the person but on the basis of the case alone.

3. Please list any consultations that you may have had and/or local/national consultations, research or practical guidance that will assist you in completing this EIA

The Benefit Fraud Inspectorate (BFI) undertook an inspection report on the compliance of the Race Relations Act of the Housing and Council Tax benefit counter fraud service of 10 local authorities in 2003, Tower Hamlets was not selected. Birmingham Council was included and has a significant BME community not too dissimilar to that of Tower Hamlets. The (BFI) have identified best practice across the 10 local authorities and this will be considered as part of this assessment.

C: Your Policy or Function

1. What is the main purpose of the policy or function?

The councils housing benefit fraud service aims to provide a modern, efficient, effective and secure benefit fraud service which is looking to make improvements.

The key functions of benefit fraud service are as follows:
*   Fraud investigations – investigating allegations of fraud
*   Prosecutions and sanctions – investigating, gathering evidence and actioning appropriate prosecutions and sanctions
*   Proactively deter fraud

The aim being to:
*   Protect public funds
*   Accurately and according to procedure investigate cases of fraud allegation
*   Undertake case investigations and focus more on sanctions rather than prosecutions as an outcome

The Benefit Fraud Service and its staff are key to protecting public funds by ensuring that the right people get paid the right amount of benefit at the right time and investigate where there are allegations of fraud. They can come up against conflict and as such are vulnerable to allegations of unfair treatment. The service aim of protecting public fund, can show that it has clear procedures in place resulting in investigations being conducted purely on the basis of the allegation and not on any other grounds.

2   Are there any other objectives of the policy or function, if so what are they?

Whilst the service is a measure to safeguard public funds, it will also ensure that the correct amount is paid to the right people at the right time contributing to anti-poverty measures. The clarity of what the service does and how the service operates will protect staff from claims of unfairness and ensure the right people are paid the right benefit and at the right amount.

3   Do any written procedures exist to enable delivery of this policy or function?

The service has a written policy on benefit fraud enforcement and a separate Code of Conduct for benefit fraud staff, having these in place ensures there is consistency in the way benefit fraud cases are investigated to protect wider community members and also protect staff from claims of unfairness. The service has a published referral form both on the intra-net and on the inter-net, although the forms used both capture different information.

Publishing information on what is considered as fraud will also act as a proactive measure in helping claimant to be aware of fraud and the awareness can assist and

influence the way claimants view fraud and the attitude they take to they way claims are made.

The service needs to develop the work it undertakes proactively to counter and deter fraud and develop procedures for the benefit fraud to make home visits.

The service has an extensive number of procedures available to assist staff and to ensure consistency. They include the following:
1. Authorised officers powers 5.110a social security administration act 1992 (April 2005)
2. Fraud Act 2001 – applying new Authorised officers powers (April 2005)
3. IUC's – procedure in dealing with cases following an IUC – closing reports and obtaining overpayments
4. Investigations case files and case management – how to administer individual cases
5. IUC, crib sheet, exhibits, labels and tapes – standardising IUC procedures (May 2003, March 2005)
6. IUC, additional guidance and discussion for clarity on procedure of interviewing under caution (January 2003)
7. IUC tape security (June 2004)
8. Joint working with Department of Work and Pension (October 2004)
9. Observations and surveillance requests (July 2002)
10. Obtaining overpayment details on prosecutions/sanction cases (September 2002)
11. Principle investigation officers and monitoring work – checking caseload procedure (May 2004 updated June 2005)
12. QB50 notebooks – guidance on handling and use of notebooks (March 2005 updated June 2005)
13. Registering incoming work to the investigations team (September 2002)
14. Requesting and taking leave from duties (November 2002)
15. Security and the investigations team (July 2002)
16. Sifting and allocating work (June 2004)
17. Storage and destruction of investigative material (March 2005)
18. Suspending benefit on investigated cases (March 2002)
19. General Code of Conduct
20. Investigation requests from Police (October 2002)

4   Are there elements of common practice in the service area or function that are not clearly defined within the written procedures?

The service has accessible written procedure and guidance notes. The team are currently based in an open office with a fax machine which is placed immediately behind the manager, to safeguard the information which may be sent through to the fax machine, the fax machine should be re-located to a secure area.

With an increased emphasise on home visits, the service should look at producing procedure and guidance notes for staff to ensure risks are minimised.

5   Who are the main stakeholders of the policy?

The key stakeholders are as follows:

- Departments within the council
- Department for Work and Pensions,
- Police
- Members of the public
- Agencies involved in partnership working

6   Is the policy associated with any other Council policy (s)?

The Benefit service function contributes to the achievement of excellent public services. The benefit fraud function contributes to anti-poverty measures. There are key Best Value performance indicators which the service reports on.

7   Are there any areas of the service that are governed by discretionary powers? If so, is there clear guidance as to how to exercise these?

The benefits investigations referral assessment requires a judgement to be made on the weight of existing/potential information/documents. This is based on a scoring of 'good', 'average' or 'poor' which contributes to the total score which determines the priority of the case and determines whether the case gets accepted for investigation or not. Whilst the filtering of referrals requires a judgement to be made on the weight of documents and is based on discretion, management checks are in place and all staff receive professional training. The filtering of cases is also cost effective for the benefits service.

The service should also monitor case turnaround times to identify potential negative impact.

8   Is the responsibility for the proposed policy or function shared with another department or authority or organisation? If so, what responsibility, and which bodies?

Every two years the housing benefits fraud team undertake a data matching exercise to identify potential fraud cases as part of the National Fraud Initiative, as part of Audit Commissions exercise in data matching information with different local authorities looking across all benefits to detect potential fraud.

Joint working is also undertaken with CFIS (part of DWP) to investigate particular cases.

As part of the Verification Framework (VF) the service will be working with the DWP to undertake data matching exercise with data supplied by the DWP, this replaces the system previously where by every applicant was sent a review form. This will impact on the cases of fraud turnaround as the VF will enable cases of non-compliance with Housing Benefit to be detected earlier on.

The team also works closely with the London Team Against Fraud and will explore and consider principles of sifting and measuring benefit fraud.

The team is also looking to develop a stronger relationship with Homeless Services.

D: The Impact

Assess the potential impact that the policy could have on each of the target groups. The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will need to also assess whether that negative potential impact is high, medium or low – see glossary in the attached guidance notes for definitions.

1.
a) Identify the potential impact of the policy on men and women:

Gender	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Women			No adverse impact identified.	
Men				

b) Identify the potential impact of the policy on different race groups:

Race	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Asian (including **Bangladeshi, Pakistani, Indian, Chinese, Vietnamese, Other Asian Background – please specify_____)**		There is potential that those community members for whom the information sent from the service or the information requested is not		

Black (including Caribbean, Somali, Other African, Other black background – please specify_____)		accessible due to language barriers and therefore could result in whether they respond to request. If benefit is suspended due to no response as a result of language barriers, it can negatively affect the lives of the BME community for whom language is a barrier.		
White (including English, Scottish, Welsh, Irish, Other white background – please specify_____)				
Mixed Dual heritage (White and Black Caribbean, White and Black African, White and Asian, Other mixed background - please specify_____)				
Other (please specify)				

c) Identify the potential impact of the policy on disabled people:

Disability	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason

		There is potential that disabled members of the community may find the information sent from the service or the information requested not accessible and therefore could result in whether they respond to the request. If benefit is suspended due to no response as a result of not being able to access the information requested, it can negatively affect the lives of disabled people		

d) Identify the potential impact of the policy on different age groups:

Age Group (specify, for example younger, older etc)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
		There is potential that those community members for whom the information sent from the service or the information requested is not accessible and therefore could result in whether they respond to request. If benefit is suspended due to no		

		response as a result of people not being able to respond due to barriers, it can negatively the lives of people, particularly vulnerable older people		

e) Identify the potential impact of the policy on lesbian, gay men, bisexual or heterosexual people:

Sexual Orientation	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Lesbian			No adverse impact identified.	
Gay Men				
Bisexual				
Heterosexual				

f) Identify the potential impact the policy on different religious/faith groups?

Religious/Faith groups (specify)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Buddhist			No adverse impact identified.	
Christian				
Hindu				
Jewish				
Muslim				
Sikh				

Other (please specify)				

g) As a result of completing Question 1 a-f above what is the potential impact of your policy?

Medium

If you have assessed the potential impact as HIGH you must complete a full potential impact assessment.

2. Could you minimise or remove any negative potential impact that is of medium or low significance? Explain How.

Across the service raise awareness of benefit fraud and monitor key areas to enable an informed judgement to be made on the extent to which negative impact can be attributed, regardless of age, disability and race. A number of recommendations have been made to address any potential negative impact.

3. If there is no evidence that the policy promotes equal opportunity– could it be adapted so it does? How?
Promoting what is considered as fraud and what changes claimants should be informing the authority about will encourage a more proactive attitude to fraud.

Please ensure that all actions identified are included in the attached action plan and in your service plan.

Please sign and date this form, keep one copy and send one to Equalities Team..

Signed   **Signed**   **Signed**
Lead Officer Sue Oakley   **Service Head** Steve HIll   **Assistant Director** Vernon Simpson
Date   15/09/05   **Date**   15/09/05   **Date**   15/09/05

Action Plan

Recommendation	Key activity	Progress milestones	Officer Responsible	Progress
Raise the awareness of equalities within benefit fraud	Develop a equality awareness session for staff, including information on RRA requirements, equal opportunities, data protection and cultural awareness		Sue Oakely	
Monitor the categories of fraud referrals to assist in quantifying forms of fraud to assist in setting targeted anti-fraud campaign and to inform service improvement	Monitor fraud referrals by fraud category and diversity		Sue Oakely	
Monitor cases outcome by category of fraud to assist in quantifying forms of fraud to assist in setting targeted anti-fraud campaign and to inform service improvement.	Monitor the outcome of fraud cases by diversity		Sue Oakely	
Consult members of the boroughwide compact group on revised policy and the implementation of the Verification Framework	Consult members of the boroughwide compact group on new arrangements under VF		Sue Oakely	
Increase first time response to benefits form by addressing language barriers	Put guidance text in key community language(s) on *review* form		Sue Oakely	

Further develop procedure for dealing with information request from the police	Update information request from police procedure – how should the officer decide if the request is satisfactory		Sue Oakely	
Quantify case turnaround times	Monitor case turnaround times		Sue Oakely	
Monitor non-response VF cases to identify trends to address non-response as an anti-poverty measure	Monitor by diversity cases where response has not been obtained		Sue Oakely	
Make effective use of existing diversity information	Migrate information available on the Benefit Fraud IT system to the Housing IT system to enable existing information (diversity) to be read across and to produce diversity audit report for DMT		Sue Oakely	
Undertake awareness raising activities with key community groups to raise awareness of what constitutes as fraud (and what the consequences are) as a proactive measure	Develop awareness raising initiative for key community groups		Sue Oakely	
Develop proactive approach to the way VF cases are processed	Make better use of contacting people on the phone for non-response cases and undertake more home visits		Sue Oakley	