

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

A: Summary Details

Directorate:

Development and Renewal - Housing

Section:

Home Ownership

Person responsible for the assessment:

Philipa Bowen

Contact details:

020 7364 7110

Name of Policy to be assessed:

Revised Leaseholders Dispute Resolution

Is this a new or revised policy?

This is a revised policy.

Date policy scheduled for Overview and Scrutiny/Cabinet/LAB:

The revised policy is scheduled for Cabinet for the 7th of September 2005

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).*

A comprehensive data set which monitors by diversity is currently not available of all leaseholders who have purchased a property under the Right to Buy. In 2004, a customer satisfaction survey was undertaken to measure and test the service provided by the Home Ownership team which includes the processing and management of dispute resolution. The customer satisfaction survey gives a general indicative profile of the community which the policy can potentially impact upon. This can be used as a general guide when planning service improvements. The profile of the respondents is as follows:

Gender: 47% are male, 53% are female

Age: 8% are 18-30 years old, 53% are 31-59 years old and 39% are over 60 years of age

Disability: 20% of the respondents defined themselves as disabled

Ethnicity: The White/White British community make up 61% of the ethnic background of the respondents while 29% are of Asian/Asian British background.
Economic activity: 45% of the respondents were in employment, 12% unemployed and 37% retired.

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.

A diversity monitoring information sheet is sent to prospective RTB applicants, although there isn't an obligation for it to be completed and returned. Existing leaseholders are sent diversity forms to complete and return with the annual service charge account in April 2004. This is optional, and leaseholders are not required to complete and return the forms limiting the profiling information available. This will assist in compiling information for the Housing IT system. As an interim measure, the Dispute Resolution Investigation Form will be used to capture diversity monitoring information.

The service needs to consider the monitoring arrangements with the Third Sector and other advise and assistance agencies such as the One Stop Shops, to test access to the service to ensure all community groups are accessing the service and are satisfied with the level of service provided.

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

A number of Leaseholders Associations and the Tower Hamlets Leaseholders Association were consulted on the revised procedure. TMOs were also consulted on the revised procedures and comments received from the consultation have been taken into consideration and the procedure redrafted to reflect the comments received.

The procedure was also taken to the Boroughwide Compact Group as a consultation document. The new revised procedures with additional options were well received by the members of the compact; the new options were welcome as an anti-poverty measure.

C: Your Policy or Function

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

The aim of the 'Leaseholders Dispute Resolution Procedure' is to resolve Leaseholders' complaints in respect of alleged failure by the Council to provide day to day services. The revised procedure is designed to quickly resolve disputes with defined standards of service provision, monitoring and a clear set of procedures with the ultimate aim to introduce consistent standards in service provision.

The revised procedure introduces additional, new forms of dispute resolution which will create greater opportunity and options for addressing complaints before they get to the Court hearing stage, helping leaseholders to better manage the charges in dispute and minimise court action which may otherwise affect their credit scoring.

Historically, the options available for dispute resolution included the following:

- Arbitration with hearing
- Trial based Leaseholder Valuation Tribunal
- County Court settlement

The new forms of dispute resolution has opened a number of different options in addition to the above options:

- Mediation
- Paper only Adjudication
- Adjudication with hearing
- Paper only Arbitration
- Paper only Leasehold Valuation Tribunal

The various payment options available will assist those in financial difficulties and payments are agreed depending on circumstances of individuals and are co-ordinated by the Dispute Resolution Co-ordinator. Agreements are negotiated and made with the Dispute Resolution Manager. This is written in a service leaflet which is available to leaseholders.

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

The objectives of the revised policy are linked to anti-poverty measures as they widen the options available for making payments and can give those who are in financial difficulty options before the case is taken to Court.

Associated objectives include the following:

- To minimise cases which are taken to Court
- To minimise escalation of service complaints and achieve satisfactory resolution by providing sufficient information and advice for leaseholders who have drawn to attention a complaint about service provision by the Council
- To support leaseholders to maintain their payments and to minimise debt escalation
- To have consistency in the approach to dispute resolution regardless of whether the leaseholder is a member of a leasehold association or not.

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

The team undertook a business process re-engineering exercise on the revised dispute resolution process and have produced a high level process map of the different options for resolving disputes.

There are written procedures available, a route map has been drawn up to assist in deciding which is the best options to take when the leaseholder initially makes contact with a complaint. There are also route maps that show the stages involved in each of the different options of the dispute resolution.

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

The new revised procedures replace the previous procedures. The new procedure is much more comprehensive and no gaps have been identified.

5 Who are the main stakeholders of the policy?

All leaseholders and potential leaseholders are affected by the policy as is the Home Ownership Service and its associated partners or agencies involved in the dispute resolution process. Work will be undertaken with each of the agencies to ensure they are aware of the new revised options.

It is recognised that documents which are sent out to leaseholders does not state what the implications are of court action, if a County Court judgement is made against a person, it is likely to affect their credit rating. It is hoped that awareness of the implications will receive a better response to the way Leaseholders manage their charges/arrears. The Home Ownership will consider amending the contents of documents to create awareness of what the implications are of court action and if a County Court judgement is made against a person.

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

LBTH's community plan/Vision Statement highlights 5 key themes. One of these is the provision of excellent public services which includes the availability of information about service functions that is widely available, the agreement with the Citizens Advice Bureau is a mechanism for implementing this for leasehold dispute resolution.

The Council's Advice Strategy aims to 'contribute to the reduction of poverty and social exclusion by working in partnership to improve access for the public to quality social welfare information and advice services'. The Home Ownership service has developed a partnership agreement with the third sector – the Citizens Advice Bureau (CAB) for leaseholders with housing issues, including arrears. This contributes to assisting those vulnerable residents who need information and assistance in maintaining payments.

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 agreement over how much is paid for the recover of charges in dispute is governed by discretionary powers. The final agreement is based on a joint decision by the Leaseholder and the Dispute Resolution Manager. This option is offered to residents before the dispute resolution options are considered. A service leaflet containing information on this is available to residents. The final decision is based on

an agreement which the Leaseholder to ensure they can maintain payment for the charges in dispute and maintain payment of the existing years charges.

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?

There are other agencies involved in the process of managing a complaint. The first point of contact for raising a complaint about service provision is the Local Housing Office, the One Stop Shop, the Major Works team or the Dispute Resolution team. The Citizens Advice Bureau has responsibility for independently advising and assisting leaseholders in the dispute resolution process.

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	x			Introduces consistency through procedures and offers a greater number of options. The Citizens Advice bureau also provides independent advice.
Men	x			

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 _____)	x			Leaseholders can now use Local Housing Offices and One Stop Shops to have documents written for them, addressing communication barriers when leaseholders are required to put their complaint in writing. Translation
Black (including Caribbean, Somali, Other African, Other black background – please specify _____)	x			

White (including English, Scottish, Welsh, Irish, Other white background – please specify _____)	x			and interpretation services can be arranged at any point when the need is identified. The service can now be directly accessed by telephone, making it more convenient to access. A number of staff in the Home Ownership team speaks community languages including Bengali, Swahili and Afrikaans. Vulnerable leaseholders can be visited at home and independent advice is provided by the Citizens Advice bureau.
Mixed Dual heritage (White and Black Caribbean, White and Black African, White and Asian, Other mixed background - please specify _____)	x			
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
	x			The service can now be directly accessed by telephone and home visits can be arranged for vulnerable residents and independent advice is provided by the Citizens Advice Bureau.

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

	x			The service can now be directly accessed by telephone and home visits can be arranged for vulnerable residents and independent advice is provided by the Citizens Advice Bureau.
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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	X			The service can now be directly accessed by telephone and home visits can be arranged for vulnerable residents and independent advice is provided by the Citizens Advice Bureau.
Gay Men	X			
Bisexual	X			
Heterosexual	X			

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	X			The service can now be directly accessed by telephone and home visits can be arranged for vulnerable residents and independent advice is provided by the Citizens Advice Bureau. A number of options are
Christian	X			
Hindu	X			
Jewish	X			
Muslim	X			
Sikh	X			

Other (please specify)				available to the Muslim community where there are restrictions on payments based on interest.
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g) As a result of completing Question 1 a-f above what is the potential impact of your policy?

Low

2. Could you minimise or remove any negative potential impact that is of medium or low significance? Explain How. See recommendations in Action Plan below.

Race:

Gender:

Disability:

Age:

Sexual Orientation:

Religious/Faith groups:

3. If there is no evidence that the policy promotes equal opportunity– could it be adapted so it does? How?

There is currently no scope, all circumstances are individual and were discretionary powers apply, information is written in a service leaflet for leaseholders. The final agreement is made jointly between the Council and the Leaseholder.

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: Philipa Bowen
Date

Service Head: Wunmi Odusina
Date

Service Director: Vernon Simpson
Date

Action Plan

Recommendation	Key activity	Progress milestones	Officer Responsible
To monitor dispute resolution to identify trends in those in dispute and the outcome of disputes.	To work with the IT service to ensure diversity monitoring is made available in an automated format and reports can be produced to show those in dispute by diversity categories and outcome of dispute resolution by diversity categories.	Work with IT services to ensure the IT system can produce the reports – Oct. 05	Philipa Bowen
Implement interim measure for diversity monitoring until the IT system is able to produce reports	To monitor diversity in dispute resolution through the Dispute Resolution Investigation Form as an interim measure until the Housing IT system is able to produce reports	Ensure monitoring information can be captured within the dispute resolution process and amend forms where necessary – Sept. 05	Philipa Bowen
Create awareness of the implications of non-payment	Introduce standard text in documents/letters to state what the implications are of a County Court judgement	Draft and agree standard text and introduce in documents – Oct. 05	Philipa Bowen
Monitor access to partner agencies services to identify any trends and potential (negative) impact	To consider monitoring arrangements with partner agencies and introduce monitoring to test accessibility to the service	Define how monitoring information will be captured by agencies – Sept. 05 Agree on monitoring arrangements with agencies – Sept. 05 Introduce monitoring arrangements – Sept. 05	Philipa Bowen

