

IMPACT NEEDS/REQUIREMENT ASSESSMENTS COMPLETION FORM

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment or screening. Use this form for new and existing policies. Where a question is not applicable to your assessment, please indicate.

1. What is the name of the service/policy/procedure/project etc to be assessed?

Anti-Fraud Framework, encompassing the Council's Policy on Fraud and Sanctions against those committing fraud

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/policies etc in this area?

Aim of the policy is to demonstrate the Council's commitment to being a model of public probity, reducing fraud and misappropriation to a minimum to ensure that we maximise the funds available to be spent on the community. The first policy was issued in September 2003 although had been drafted in 2002 and agreed by the full Council in October 2002. The new framework for 2007 builds on our already existing anti-fraud framework. The principles of both "policies" remain the same although the new framework is more detailed.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/age/health etc? What are the reasons for this adverse impact?

There is no adverse impact.

Application of the framework affects two broad categories of people, employees and external individuals. The policy deals with the Council's approach to staff who commit fraud. In taking formal action against staff as a result of fraud investigation we are bound by the disciplinary code and process. The policy also deals with the approach to service recipients and others who defraud the Council, such as Housing Applicants and Housing Benefit claimants. In undertaking external investigations we are bound by the Police and Criminal Evidence Act and the Criminal Procedure and Investigations Act. There is nothing in the policy that suggests particular groups would be adversely affected as the decision making which arises from the policy is based on factors which have no relevance to race, gender, sexual orientation, religious belief, disability. For example, the decision to take prosecution action against an individual is based upon the evidential and public interest tests.

However, when conducting investigations into benefit or service recipients it could be argued that certain groups are worse off than others and therefore more likely to claim benefit and hence more likely to be investigated.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

During the process of investigating an individual we recognise that there is a potential for investigators to apply bias. In order to ensure that this does not happen we have a series of management checks, built in at all stages of the process. This starts with the initial decision to refer a case for investigation, once received, which is based on an evaluation of the evidence. The person who initially takes this information does not make the decision as to whether the investigation is proceeded with. During the course of that investigation there are regular file reviews, on every case, where the manager advises and directs with regard to actions to be taken on the case. The sanction decision is authorised by a manager. The decision to investigate and sanction decision is based on a series of objective criteria, such as potential value of the fraud, evidence available. Further, the ultimate decision to prosecute rests with either the Crown Prosecution Service, DWP Solicitors Branch or our own Legal Services. All of which apply the code for crown prosecutors.

We have been attempting to record ethnicity data, using the census groupings on all cases investigated since 1st December 2004. Ethnicity data should be available for employee investigations on HRPRO and for Tenancy fraud on the Housing system. For Housing Benefit the situation is more complicated. The Benefits Service have only collected ethnicity data for new cases since 2006 and therefore we are unable to analyse our data against a known distribution in the population. We considered requesting self classification at interview, however, this was rejected due to sensitive nature of the interview. We have therefore opted for classification based on the content of the benefit application form and any other supporting documentation. A total of 542 investigations have been completed into cases opened since 1st December 2004. The ethnic breakdown of these is shown below and is compared to the 2005 Census, Housing and Workforce Monitoring Data. We will continue to monitor trends:

All Investigations opened after 1 st April 2004 and closed at 11 th Sep 2007							
Ethnic Groups	Investigations		Sanction Applied % Invest.		Census Data	Housing Data*	Workforce
	No	%	No	%			
White	140	26	35	26	43.3	37	44
Mixed	3	1	2	1	3.8	1	56
Asian or Asian British	118	22	25	19	27.7	10	
Black or Black British	210	38	60	44	19.9	39	
Chinese or other	71	13	13	10	3.4	4	
Total	542		135				

The unit is in the very early stages of collecting monitoring data and it is unclear whether the volumes collected to date could not be relied upon as statistically valid. The data collected so far indicates that there is a high proportion of cases in the Chinese or Other category. We believe this is due to classification problems as all those with Middle Eastern, European and South American are being placed in this category as there is no other immediately apparent grouping. The Council's workforce monitoring report only contains an ethnic breakdown into White and BME categories. The relatively low level of sanction information is due to the length of time it takes to bring cases to finalisation. We have only included closed cases in the analysis.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of Disability Discrimination Act and the regulations on sexual orientation and faith if applicable)

No. Needs identified are disabled access to interview rooms and provision of translation services for interviews. Both have been met via the provision of translation services and disabled access to the Annexe Building.

7. Have you consulted externally as part of your assessment? Who have you consulted? What methods did you use? And what have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

No – we have considered consultation, however the recipients of our service are those under investigation and we feel that the likelihood of individuals or groups participating in effective consultation is minimal.

8. Have you published the results of that consultation, if so, where?

NA

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

There is general concern that “law enforcement” functions can impact inequitably on certain racial groups. There have been no complaints of this nature regarding the fraud investigation team within Brent. Nor is there any widespread public concern about Local Authority fraud teams in general.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

We are required by statute to prevent, detect and investigate fraud perpetrated against public funds. Particular ethnic groups may be over represented as benefit or service recipients. However, it is these very groups which we are seeking to help by reducing fraud and making more resources available to individuals who are in genuine need.

11. If the impact cannot be justified, how do you intend to deal with it?

12. What can be done to improve access to/take up of services?

13. What is the justification for taking these measures?

14. Kindly provide us with separate evidence of how you intend to monitor in future.

Via the case management system and statistical information obtained through HRPRO, Housing and Housing Benefits or the Census data.

15. What are your recommendations based on the conclusions and comments of this assessment?

Our ethnic groupings are currently based on the census groupings. We do not believe these to be adequate to properly reflect or monitor our work in such a diverse community. We consider the use of Chinese or Other as a catch all to be inappropriate and we will look at ways in which we can further breakdown these groupings.

Should you:

- Take any immediate action?
- Develop equality objectives and targets based on the conclusions?
- Carry out further research?

16. If equality objectives and targets need to be developed, please list them here.

17. What will your resource allocation for action comprise of?

If you need more space for any answers please continue on a separate sheet.

Signed by the manager undertaking the assessment:

Full name (in capitals please): SIMON LANE

Dated: 11th September 2007

Service Area and position in the council: Finance and Corporate Resources, Head of Audit and Investigations

Others involved in the assessment – auditing team/peer review:

When you have completed this form, please take a copy and send it to:
The Corporate Diversity Team, Brent Town Hall, Forty Lane, Wembley, Middx HA9 9HD