

Prosecution and Sanction Policy (Corporate Fraud Team)

Evidence based equality analysis

Main aims, purpose and outcomes and how does it fit in with the wider aims of the organisation: see the policy itself

Lead officer: Helen Peters

Equality analysis is a valuable tool to help embed equality into everything we do

While process is important, equality analysis is essentially about outcomes

Lack of evidence of discrimination is not evidence of a lack of discrimination

It is not acceptable to say that a policy is applied uniformly to all groups and is therefore fair and equal. Applying a policy or procedure consistently may result in differential outcomes for different groups.

For each of the areas below, an assessment needs to be made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation should be included. Where the impact is negative, this needs to be given a **high, medium or low assessment**. It is important to rate the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	Neutral	Positive	Negative
Target group / area			
Race and ethnicity (including Gypsies and Travellers; migrant workers, asylum seekers etc.)		Investigators carrying out investigations and subsequent interviews under caution are appropriately trained and decisions to prosecute/sanction factor in equality and human rights principles. Use of taped interview techniques prevents exclusion based upon where literacy may be an issue. Access to translation and interpreting services are available and are utilised when deemed appropriate.	
Disability (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)		As above. Interviews under caution support people who might struggle with written English (for example dyslexia) with the use of tape recording. Accessibility to Council offices is considered from the outset of an investigation taking into account full circumstances of individuals. Home visits are offered/ conducted when considered appropriate	
Gender	No impact identified	As above	
Gender reassignment	No impact identified	As above	
Religion and belief		As points 1 and 2 above – all decisions factor in equality and human rights principles	
Sexual orientation (including heterosexual, lesbian, gay, bisexual)	No impact identified	As above	
Age (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older		As above. 'Appropriate adults' are offered/ used when appropriate. Health and welfare matters considered as part of the process when	

older people 81+. The age categories are for illustration only as overriding consideration should be given to needs)		deciding the most appropriate course of action to take against individuals. Public Interest test considered/ applied appropriately	
Rural communities	No impact identified	As above – home visits offered when deemed appropriate	
Areas of deprivation	No specific impact identified	As above	
Human rights		Investigators conducting investigations are appropriately trained and conduct investigations within the required legislation. Decisions made in relation to the investigation will factor in Article 8 and Article 6 and full consideration taken of these as the investigation progresses.	
Health and wellbeing (consider both the wider determinants of health such as education, housing, employment, environment, crime and transport, as well as the possible impacts on lifestyles and the effect there may be on health and care services)		The prosecution and sanctions policy will ensure that the Council takes an open and consistent approach to protecting the public purse. Whilst it must be noted that imposing a penalty on some individuals may have a detrimental impact on them and in some cases their family, the action taken by the Corporate Fraud team will benefit the wider community ensuring that the public purse is protected and that there are funds available to those individuals with a genuine need.	
Procurement/partnership (if project due to be carried out by contractors/partners etc, identify steps taken to ensure equality compliance)	No impact		

Evidence:

Prosecution and Sanction Policy.

Note that much of the policy is covered by external legislation such as interviews being conducted under the Police and Criminal Evidence Act.

Action plan:

Actions required	Key activity	Priority	Outcomes required	Officer responsible	Review date
Continuing review/ amendment of policy in light of legislative changes		Medium	Up to date policy	Helen Peters	Annual (or legislative change whichever is sooner)
Monitoring impact of the policy on different groups protected by the Equality Act	Analyse prosecution and sanctions	Medium	Gather evidence on whether there is any adverse impact – if so, the process could be reviewed and changed	Helen Peters	Annual

Sign off	
Lead officer:	Helen Peters
Approved by Head of Service:	Mark Wynn
Moderation and/or Scrutiny	
Date: 24 July 2017	Virtual moderation by Corporate Equality Group
Date analysis to be reviewed based on rating (high impact – review in one year, medium impact - review in two years, low impact in three years)	Three years