

Equality Impact Assessment - Initial Screening

This form can be used to screen policies for equality and diversity impacts. **Before you complete this form you must read section 2.1 of the Guidance Notes.**

<p>A. Identify objectives and outcomes</p>
<p>1. Name of the legislation, policy or service being assessed</p> <p>Proposed consultation paper – <i>Administration and Enforcement Restriction Orders; setting the parameters</i>. This will advise on exceptions and cash and time limits to be included in regulations.</p>
<p>2a. What is the aim, objective or purpose of the policy, legislation or service and who will benefit from it?</p> <p>The aim of the policy is to introduce new and reformed measures that will better assist to over-indebted to rehabilitate themselves while also improving returns to creditors from those debtors who can pay..</p>
<p>2b. What are the intended outcomes? Before you answer, consider:</p> <ul style="list-style-type: none"> • Are the outcomes specific/measurable? • How will you monitor progress towards these outcomes? • Do the outcomes support or hinder other policies or objectives within the MOJ? • If they hinder other work is this justifiable <p>The intention is to introduce limits and constraints that make the schemes workable, fair and balance the need to provide a degree of protection for the over-indebted/those in multiple debt situations with the rights and needs of creditors to recover their debts. Accurate measurement will be difficult due to the number of changes, including a higher debt limit.</p> <p>The policy directly supports the Government's over-indebtedness strategy.</p>
<p>3. Do you share responsibility for this legislation, policy or service with another Government Department or organisation (e.g. criminal justice partners). If so, who defines it and who implements it?</p> <p>No</p>

4. Who are the key stakeholders in relation to the legislation, policy or service? What outcomes do they want? Does the list of stakeholders include representatives from all relevant/interested groups of people? If not, why not?							
<p>The credit and advice sectors, the judiciary, HMCS and OGDs all of whom would be keen to see a appropriate protection and assistance given to the over-indebted/those in multiple debt situations whilst recognising creditors' needs and rights to recover debts. All interested groups, including those interested specifically in equality and diversity issues will be included as consultees and the consultation will be open to the general public.</p>							
B. Analyse existing evidence and collect further data							
5. Please list the data used to facilitate the initial screening of the legislation, policy or service. For example, statistics, survey results, complaints analysis, consultation documents, comparative policies from internal and external sources and other Government Departments							
<p>HMCS held a series of seminars followed by full public consultation (<i>A Choice of Paths: better options to manage over-indebtedness and multiple debt</i> CP23/04). Meetings of a key stakeholder group (drawn from the advice and credit sectors and OGDs) have continued subsequent to consultation and throughout the parliamentary process.</p>							
6. Are there gaps in information which require further research or consultation, or that may require additional information to be collected as part of the monitoring and review process?							
<p>Yes. HMCS does not capture information about ethnicity, gender or disability in connection with the current AO scheme, although discussions with the key stakeholder group have not indicated any concern in this area. This will be rectified in the new scheme and a sampling exercise will be arranged to gather information on the makeup of debtors in the current scheme early next year. In addition, the planned consultation paper will be circulated to a wide range of representatives from the credit and advice sectors, OGDs, the judiciary, charities and groups interested in equality and diversity to ensure that the impacts are fully understood.</p>							
C. Assess the impact of the legislation, policy or service							
7. Is there any evidence that different groups of people have different participation rates for the legislation, policy or service (e.g. men do not access the services provided by the domestic violence courts in the same way that women do)?							
	Yes	No	Not Known		Yes	No	Not Known

Age		x		Racial Group		x	
Caring Responsibilities		x		Religion or Belief		x	
Disability		x		Sexual orientation		x	
Gender		x					
Please set out the evidence on which you based this conclusion:							
<p>There is currently no evidence of different groups using the existing AO scheme more/less than others but the revised schemes will be open to all those meeting the entry criteria.</p> <p>However, HMCS does not capture information about ethnicity, gender or disability in connection with the current AO scheme, although discussions with the key stakeholder group have not indicated any concern in this area. This will be rectified in the new scheme and a sampling exercise will be arranged to gather information on the makeup of debtors in the current scheme early next year. In addition, the planned consultation paper will be circulated to a wide range of representatives from the credit and advice sectors, OGDs, the judiciary, charities and groups interested in equality and diversity to ensure that the impacts are fully understood.</p>							
8. Are there barriers that might inhibit access to the benefits of the legislation, policy or service? Consider:							
<ul style="list-style-type: none"> Is anyone excluded from enjoying the benefits of the policy? Will information be available in alternative formats (http://intranet.dda/alt.htm) or languages (e.g. Welsh language)? Will disabled people be able to access the service? 							
	Yes	No	Not Known		Yes	No	Not Known
Age		X		Racial Group		X	
Caring Responsibilities		X		Religion or belief		X	
Disability		X		Sexual Orientation		X	
Gender		x				X	

Please indicate what the barriers may be or if there are no barriers, please set out the evidence on which you based this conclusion?

There is no indication that the new provisions will inhibit access. However, HMCS does not capture information about ethnicity, gender or disability in connection with the current AO scheme, although discussions with the key stakeholder group have not indicated any concern in this area. This will be rectified in the new scheme and a sampling exercise will be arranged to gather information on the makeup of debtors in the current scheme early next year. In addition, the planned consultation paper will be circulated to a wide range of representatives from the credit and advice sectors, OGDs, the judiciary, charities and groups interested in equality and diversity to ensure that the impacts are fully understood.

9. Is there any evidence that different groups have or are likely to have different needs, experiences, issues and priorities in relation to the current or proposed legislation, policy or service?							
	Yes	No	Not Known		Yes	No	Not Known
Age		X		Racial Group		X	
Caring Responsibilities		X		Religion or Belief		X	
Disability		X		Sexual orientation		X	
Gender		x					
Please set out the evidence on which you based this conclusion:							
<p>There is no evidence that these measures will effect different groups in different ways.</p> <p>HMCS does not capture information about ethnicity, gender or disability in connection with the current AO scheme, although discussions with the key stakeholder group have not indicated any concern in this area. This will be rectified in the new scheme and a sampling exercise will be arranged to gather information on the makeup of debtors in the current scheme early next year. In addition, the planned consultation paper will be circulated to a wide range of representatives from the credit and advice sectors, OGDs, the judiciary, charities and groups interested in equality and diversity to ensure that the impacts are fully understood.</p>							

10. Is the legislation, policy or service sensitive to the needs and cultures of different groups of people?							
	Yes	No	Not Known		Yes	No	Not Known
Age	X			Racial group	X		
Caring Responsibilities	X			Religion or Belief	X		
Disability	X			Sexual orientation	x		
Gender	x						
Please set out the evidence on which you based this conclusion							
The legislation and CPR applies to all groups and individuals equally.							
There is no evidence that these measures will effect different groups in different ways.							
However, HMCS does not capture information about ethnicity, gender or disability in connection with the current AO scheme, although discussions with the key stakeholder group have not indicated any concern in this area. This will be rectified in the new scheme and a sampling exercise will be arranged to gather information on the makeup of debtors in the current scheme early next year. In addition, the planned consultation paper will be circulated to a wide range of representatives from the credit and advice sectors, OGDs, the judiciary, charities and groups interested in equality and diversity to ensure that the impacts are fully understood.							

11. Have previous consultations with relevant stakeholder groups, organisations or individuals indicated that legislation, policies or service of this type create exclusion or hold specific challenges for them?

	Yes	No	Not Known		Yes	No	Not Known
Age		X		Racial Group		X	
Caring Responsibilities		X		Religion or Belief		X	
Disability		X		Sexual Orientation		x	
Gender		x					

Please comment on the type of current or potential challenges:

No.

However, HMCS does not capture information about ethnicity, gender or disability in connection with the current AO scheme, although discussions with the key stakeholder group have not indicated any concern in this area. This will be rectified in the new scheme and a sampling exercise will be arranged to gather information on the makeup of debtors in the current scheme early next year. In addition, the planned consultation paper will be circulated to a wide range of representatives from the credit and advice sectors, OGDs, the judiciary, charities and groups interested in equality and diversity to ensure that the impacts are fully understood.

12. Is there any evidence that this legislation, policy or service could directly or indirectly discriminate against any group of people?							
	Yes	No	Not Known		Yes	No	Not known
Age		X		Racial Group		X	
Caring Responsibilities		X		Religion or Belief		X	
Disability		X		Sexual Orientation		x	
Gender		x					
Please set out the evidence on which you base these conclusions							
No.							
There is no evidence of different groups using the existing AO scheme more/less than others but the revised schemes will be open to all those meeting the entry criteria.							
However, HMCS does not capture information about ethnicity, gender or disability in connection with the current AO scheme, although discussions with the key stakeholder group have not indicated any concern in this area. This will be rectified in the new scheme and a sampling exercise will be arranged to gather information on the makeup of debtors in the current scheme early next year. In addition, the planned consultation paper will be circulated to a wide range of representatives from the credit and advice sectors, OGDs, the judiciary, charities and groups interested in equality and diversity to ensure that the impacts are fully understood.							
13. Does the policy result in positive impacts, if so please list them here? For example, does it have a beneficial effect on a group of people or improve equal opportunities and/or relationships between different groups of people?							
No. The policy will apply to all equally.							

<p>14. What measures can be taken to promote equality of opportunity by altering the legislation, policy or service, or by working with others, for examples, partners? Is there any evidence of missed opportunities to promote equality of opportunity, if so please provide details?</p> <p>Access to the schemes will be restricted to those who meet the specified entry criteria.</p> <p>Stakeholders including the advice sector involved in the development of the consultation proposals have not suggested that it will lead to any inequality. However, this paper also seeks additional input from those groups with a specific interest in equality and diversity issues.</p>
<p>15. Is a full equality impact assessment required? NO If not, please explain why not.</p> <p>The legislation ensures that these schemes are open to all who meet the entry criteria.</p> <p>Stakeholders including the advice sector involved in the development of the consultation proposals have not suggested that it will lead to any inequality. However, this paper also seeks additional input from those groups with a specific interest in equality and diversity issues. Further consideration will be given to the need for a full assessment in the light of this consultation.</p>
<p>16. If a full equality assessment is not required what data is required in the future to ensure effective monitoring? How and when will the policy be monitored and reviewed?</p> <p>Those applying for an AO will be asked to provide details on the redesigned application form.</p>
<p>17. Any other comments on the policy and/or initial screening process:</p> <p>No</p>
<p>Name (must be grade 5 or above): Andrew Frazer</p>
<p>Department: Civil Law and Justice Division (HMCS)</p>
<p>Date: 20/12/07</p>
<p>If no adverse impacts have been identified and a full equality impact assessment is not going to be completed, please send a copy of the initial screening plus summary by e-mail to the Equality, Diversity and Human Rights Division. If a full equality impact assessment is required then retain the initial screening until the full impact assessment has been completed and then send both the initial screening and full equality impact</p>

assessment together to the Equality, Diversity and Human Rights Division.

You should also complete a brief summary (no more than 50 words) setting out which policy, legislation or service the EIA relates to, and for race, disability and gender, any decisions made, actions taken or improvements made as a result of the EIA. The summary will be published on external MOJ website.

The proposed consultation paper – Administration and Enforcement Restriction Orders; setting the parameters. This will effect the secondary legislation supporting the Tribunals courts and Enforcement Act (TCEA) 2007.

This policy applies equally to all who meet the entry requirements.