

Equality Impact Assessment (EIA) Report

For further information on undertaking and completing an Equality Impact Assessment, please see the [guidance](#).

Name of policy/ procedure/ function/ service being assessed:	Enforcement against rogue traders and maintenance of business standards through planned inspections
Department and Section:	Chief Executive's, Regulatory Services; Trading Standards Service (TSS)
Name of lead officer and others completing this assessment:	David Bull
Contact telephone numbers:	0116 3057572
Date EIA assessment completed:	11.3.15

Step 1: Defining the policy/ procedure/ function/ service

Using the information gathered within the Equality Questionnaire, you should begin this full EIA by defining and outlining its scope. The EIA should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in the Equality, Diversity and Human Rights Strategy of Leicestershire County Council.

What are the main aims, purpose and objectives of the policy/ procedure/ function/ service? How will they be achieved?
<p>Enforcement action against rogue traders and planned inspections of relevant businesses to maintain legal standards contributes to the TSS's overall aim which is to ensure a fair and safe trading environment, which protects the well-being of Leicestershire people and supports legitimate businesses to grow.</p> <p>A reduction in staff resource devoted to implementing this following the decision by the County Council about its 2015 medium term financial policy may impact disproportionately on groups in society who exhibit one or more of the 'protected characteristics'.</p> <p>This will be achieved by first assessing the risk of non compliance by businesses using information gathered from a variety of sources and then deploying resources (principally staff) to deal with potential offenders who exhibit the highest risk of non compliance using tactics which can include disruption, inspection with advice and guidance, unofficial warnings of potential prosecution, prosecutions, 'restraining' and 'direction' orders from the civil courts and publicity designed to either warn the public or help consumers and businesses to protect themselves.</p>
What are the main activities relating to this policy/ procedure/ function/ service and distinguish who is likely to benefit from these activities.
<p>Main activities- tactics which can include disruption, inspection of businesses with advice and guidance, unofficial warnings of potential prosecution, prosecutions, 'restraining' and 'direction' orders from the civil courts and publicity designed to either warn the public or help consumers and businesses to protect themselves.</p> <p>Beneficiaries- protection for persons who are consumers of products and services and for legitimate business who's competitiveness would otherwise be undermined by 'rogue' and other businesses who do not comply with statutory trading standards.</p>
What outcomes are expected?

Higher standards of individual health and well being and a more efficient market and increased economic prosperity than would otherwise be the case if the work described here was not undertaken or was undertaken but to a lesser degree.

Step 2: Potential Impact

Use the table below to specify if any service users or staff who identify with any of the 'protected characteristics' below will be affected by the policy/ procedure/ service you are proposing (indicate all that apply) and describe why and what barriers these individuals or groups may face.

Who is affected and what barriers may these individuals or groups face?	
Age	Older persons tend to be less able to protect themselves because of impaired mental capabilities and hence more likely to be victims of rogue trading
Disability	Those with mental health issues which makes them more vulnerable.
Gender Reassignment	
Marriage and Civil Partnership	
Pregnancy and Maternity	
Race	
Religion or Belief	
Sex	
Sexual Orientation	
Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	Economically disadvantaged or deprived communities will be more likely to purchase goods and services at the lowest price possible at the expense of quality. Their purchases are therefore more likely to be of goods and services which fail to comply with minimum standards provided for by the criminal law. Although the more wealthy and vulnerable may also be targeted.
Community Cohesion	

Step 3: Data Collection & Evidence

In relation to your related findings in 'Step Two' are your presumptions on these barriers based on any existing research, data evidence or other information?

What evidence, research, data and other information do you have which will be relevant to this EIA?

What does this information / data tell you about each of the diverse groups?

Data derived from consumer complaints made to the Trading Standards Service, the results of academic research and advice and guidance provided by relevant central and local government organisations and agencies support the assertions set out in section 'step 2' ante.

What further research, data or evidence may be required to fill any gaps in your understanding of the potential or known affects of the policy?

Have you considered carrying out new data or research?

Further data or evidence is required concerning the impact of this work on 'vulnerable adults' generally and not just 'older persons'.

Research has been and is being carried out by working closer and in partnership with relevant services provided by LCC's adults and communities department.

Step 4: Consultation and Involvement

When considering how you to consult and involve people as part of the proposed policy/ procedure/ function/ service, it is important to think about the service users and staff who may be affected as part of the proposal.

Have you consulted on this policy/ procedure/ function or service?

Outline any consultation and the outcomes of the consultation in relation to this EIA.

- 1) LCC MTFS 2015 budget consultation process; less savings to be found in the TSS budget than might otherwise have been the case.
- 2) On going customer 'satisfaction' survey; better targeting of resources and handling of complaints

3) Relevant services provided by LCC's adults and communities department; improved understanding of the needs of older and vulnerable consumers thereby leading to higher standards of health and well being for this group than would have been the case if there had been no such liaison.

Do any of the barriers you identified *actually* exist based on this consultation?

As the work designed to meet the policy objectives is managed and delivered by persons who are not members of the groups identified as being impacted most by the policy change (reduction in resources) then there will always be a barrier to a complete understanding of how the change impacts on these groups. However the outcome to the consultations described in 'step 4' ante, will help mitigate this.

Step 5: Mitigating and assessing the impact

In relation to any research, data, consultation and information you have reviewed and/or carried out as part of this EIA, it is now essential to assess the impact of the policy/ procedure/ function/ service and distinguish whether a particular group could be affected differently in either a negative or positive way?

If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.

The groups identified will be adversely impacted by the reduction in resources devoted to this area of TS work because they rely more on the protection it affords them than do other groups in society. It is justifiable because the decision has been made as a result of a democratic process and will be implemented in a way which mitigates this impact. This impact is not discriminatory or illegal.

N.B.

a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.

b) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

What can be done to change the policy/ procedure/ function/ service to mitigate any adverse impact?

Consider what barriers you can remove, whether reasonable adjustments may be necessary and how any unmet needs that you have identified can be addressed.

The adverse impact can be mitigated through improved targeting of resources to prioritise enforcement work against rogue traders and inspection of business which have the highest risk of non compliance with trading standards criminal law.

Step 6: Making a decision

Summarise your findings and give an overview of whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity and human rights.

Three groups have been identified that will be impacted adversely to a greater degree than other groups in society by the reduction in resources to tackle rogue trading and the maintenance of standards through inspection of businesses by the Trading Standards Service.

This is not in conflict with LCC's responsibilities in relation to equality, diversity and human rights and action can be taken to mitigate the adverse impact.

Step 7: Monitoring, evaluation & review of your policy/ procedure/service change

How will you monitor the impact and effectiveness of the new policy/ procedure/ service change and what monitoring systems will you put in place to monitor this and to promote equality of opportunity and make positive improvements?

This will be done through the inclusion of policies and procedures designed to mitigate the adverse impacts as part of robust service planning processes including the establishment and monitoring of work programmes with reporting of performance against targets regularly to senior managers.

How will the recommendations of this assessment be built into wider planning and review processes?

e.g. policy reviews, annual plans and use of performance management systems.

It will be built into the TSS 2015/16 service plan and associated work programmes.

Equality Improvement Plan


Please list all the equality objectives, actions and targets that result from the Equality Impact Assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when
<p>Older persons tend to be less able to protect themselves because of impaired mental capabilities and hence more likely to be victims of rogue trading</p>	<ul style="list-style-type: none"> • Prioritise resources to improve enforcement action against 'loan sharking' and other forms of rogue trading to protect public safety, public health and vulnerable consumers. • Improve 'intelligence led' enforcement by fully integrating this with the National Trading Standards Board's 'intelligence operating model'. • Maintain an appropriate 'enforcement mix' of preventative and reactive measures in light of changes to 'intelligence led' enforcement. 	<ul style="list-style-type: none"> • Various outcomes as set out in team work programmes • Various outcomes as set out in team work programmes • Various outcomes as set out in team work programmes 	<ul style="list-style-type: none"> • David Bull/Keith Regan • David Bull/Keith Regan • David Bull/Keith Regan 	<ul style="list-style-type: none"> • 31.3.16 • 31.3.16 • 31.3.16

Equality Objective	Action	Target	Officer Responsible	By when
<p>Persons with mental health issues which makes them more vulnerable</p>	<ul style="list-style-type: none"> • Prioritise resources to improve enforcement action against 'loan sharking' and other forms of rogue trading to protect public safety, public health and vulnerable consumers. • Improve 'intelligence led' enforcement by fully integrating this with the National Trading Standards Board's 'intelligence operating model'. • Maintain an appropriate 'enforcement mix' of preventative and reactive measures in light of changes to 'intelligence led' enforcement. 	<ul style="list-style-type: none"> • Various outcomes as set out in team work programmes • Various outcomes as set out in team work programmes • Various outcomes as set out in team work programmes 	<ul style="list-style-type: none"> • David Bull/Keith Regan • David Bull/Keith Regan • David Bull/Keith Regan 	<ul style="list-style-type: none"> • 31.3.16 • 31.3.16 • 31.3.16

<p>Economically disadvantaged or deprived communities will be more likely to purchase goods and services at the lowest price possible at the expense of quality. Their purchases are therefore more likely to be of goods and services which fail to comply with minimum standards provided for by the criminal law.</p>	<ul style="list-style-type: none"> • Prioritise resources to improve enforcement action against 'loan sharking' and other forms of rogue trading to protect public safety, public health and vulnerable consumers. • Improve 'intelligence led' enforcement by fully integrating this with the National Trading Standards Board's 'intelligence operating model'. • Maintain an appropriate 'enforcement mix' of preventative and reactive measures in light of changes to 'intelligence led' enforcement. 	<ul style="list-style-type: none"> • Various outcomes as set out in team work programmes • Various outcomes as set out in team work programmes • Various outcomes as set out in team work programmes 	<ul style="list-style-type: none"> • David Bull/Keith Regan • David Bull/Keith Regan • David Bull/Keith Regan 	<ul style="list-style-type: none"> • 31.3.16 • 31.3.16 • 31.3.16
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1st Authorised Signature (EIA Lead):  . Date: ...11th March 2015

2nd Authorised Signature (Member of DMT): ...  Date: ...11th March 2015

Once completed, please send a copy of this form to the Departmental Equalities Group for quality assurance. Once authorised, this Equality Impact Assessment (EIA) Report will need to be published on our website.