

Financial Redress for Injustice Resulting from Maladministration

Equality impact assessment

November 2010

Equality impact assessment for 'Financial Redress for Injustice Resulting from Maladministration'

Introduction

1. The Department for Work and Pensions has carried out an equality impact assessment on its policy for putting right injustice or hardship arising from Departmental 'maladministration', (or circumstances where the actions or inactions of the Department result in a customer experiencing a service which does not match our aims or commitments). The equality impact assessment has been carried out to meet legislative requirements of the Equality Act 2010.
2. This process will help to make sure:
 - the Department's Strategies and Policies are free from discrimination;
 - due regard has been given to equality (specifically disability, gender and race in decision making and subsequent processes); and
 - opportunities for promoting equality are identified.
3. We have carried out an equality impact assessment on the revised DWP Financial Redress Policy, which is presented in a document entitled "[Financial Redress for Injustice Resulting from Maladministration](#)" which was published in November 2009.

Purpose and Aims of the policy

4. In 2009 the policy was reviewed and revised to take into consideration the changes that had occurred within the DWP since 2003, when the policy had previously been revised, and to ensure that it reflected the Parliamentary and Health Service Ombudsman's view, based on her [Principles for Remedy](#) published in February 2009, were incorporated into the policy.
5. At this time, the content of the policy was made more succinct to provide DWP customers with a shorter, more customer-friendly, more accessible and better focused guide to our redress arrangements.

6. The policy exists to indicate the Department's guiding principles that should be considered when staff are considering redress and whether it is appropriate to award a special payment. Other forms of redress such as an apology or putting a problem right might be more appropriate but this guidance purely covers situations when financial redress is to be considered.
7. The policy provides guidance on the categories of special payments that can be awarded and also gives details of the amount that the businesses/agencies can award for the different categories of special payment before the case is referred to the Complaint Resolution Standards Team for further examination and authorisation. In practice this policy is used by the Department's special payment officers when they are considered special payments. They can access it through the Customer Insight page on the intranet.

Underlying principles

8. The policy document provides a set of clear principles which need to be considered if it has been established that a customer has suffered injustice and / or hardship as a result of Departmental maladministration. The principles are;
 - individuals should not be disadvantaged as a result of maladministration;
 - injustice and hardship resulting from maladministration should be addressed on a case by case basis;
 - fair and justifiable decisions should be made in respect of individual cases; and
 - special payment decisions should culminate in timely and appropriate financial redress for individuals.
9. More detailed guidance on the application of the policy and the administration of the special payments scheme is set out in ['Financial Redress for Injustice Resulting from Maladministration: A Guide for Special Payment Officers'](#). This additional guidance is for the benefit of the special payment officers who are considering and making awards.

Accessibility of the policy

10. This policy is primarily intended for the benefit of Departmental staff who are considering whether it is appropriate to award a special payment and other staff involved in customer complaints. However, this is an electronic publication, which is accessible via the DWP website and through libraries. Therefore, customers and their intermediaries can access the document which provides details of:

- the scope of and authority for the Department's special payment scheme for providing financial redress in response to maladministration in customer cases; and
- the underlying principles for ensuring that the financial redress awarded in response to cases of maladministration reflects any resultant injustice or hardship experienced by the individual(s) concerned.

Consultation and involvement

11. **Internal:** At a corporate level we consulted with representatives from Jobcentre Plus (JCP), the Pensions, Disability and Carers Service (PDCCS), Debt Management (DM), and Legal Group. In addition, we spoke to Special Payment Officers (those who operate the policy) across DWP and to the Independent Case Examiner (ICE)'s Office.
12. **External:** The Parliamentary and Health Service Ombudsman was consulted during the drafting stage.
13. **Clearance:** The Permanent Secretary was consulted on the final draft and agreed the content.

Impact of the Financial Redress for Injustice Resulting from Maladministration

14. Ex-Gratia' Special Payments are described in Government Accounting as 'payments which go beyond administrative rules and for which there is no statutory cover of legal liability'. As Parliament does not include provision for special payments when voting money or passing specific legislation, there is no legal liability to make such payments. Due to their exceptional nature, the payments are made on a discretionary extra-statutory or ex-gratia basis.
15. Due to the inclusive nature of this policy, any customer of the Department who has experienced injustice or hardship arising from Departmental maladministration may be awarded a special payment. The special payment scheme does not have regard to Disability, Race or Gender unless it relates specifically/directly to the injustice or hardship the individual has experienced as a result of DWP maladministration.
16. The policy also confirms that customers, or their intermediaries, do not need to ask for consideration of a special payment. The appropriateness of making a payment should be routinely considered in any attempt to rectify departmental maladministration, which may have resulted in a customer (or their third party) experiencing injustice and / or hardship.

17. When staff are speaking to customers or their intermediaries they should identify whether there are any circumstances where customers should be told about the special payment scheme if it might impact them.

18. There is no evidence (based on its use since 1997 when the guidance was first introduced) that its application could negatively or unduly impact on a particular group of DWP customers. However, we are currently making our processes more accessible, and reviewing our learning & development offered to staff on complaint resolution to help them understand how to operate the policy effectively.

Race

19. There is no reason to believe that the policy could have a negative impact on this group. The policy can be made available in a range of languages should such a request be received from a customer or their intermediary. To do this we would contact the DWP translation service and arrange for the guidance to be translated into the appropriate language and this would then be issued to the customer.

Gender

20. There is no reason to believe that the policy will have a negative impact due to a customer's gender as special payments should be considered on a case by case basis, taking into account the impact that any maladministration had on a customer.

Disability

21. There is no reason to believe that this revised policy will have any negative impact on our customers due to any disability. The policy is available for all on the Department's internet site, which allows customers to increase the size of the font to the appropriate size. The guidance is also available in libraries and customers can request a copy from any departmental office. We can provide copies of the policy in other formats, such as Braille or large font should such a request be made. To do this we would contact the DWP translation service to request the document in Braille / larger font and this would then be issued to the customer or their intermediary.

Monitoring and evaluation

22. The application and use of the policy and guiding principles contained within this document are subject to annual review. This annual review incorporates specific consideration as to whether:

- the content continues to accurately reflect the Department's policy of providing financial redress in response to injustice and/or hardship arising from maladministration; and
- the policy continues to be inclusive and doesn't discriminate against any groups listed in equality legislation.

23. In order to evaluate what, if any, impact the policy is having on any of the equality groups, the Complaint Resolution Standards team will engage with special payment teams in JCP; PDCS; and Debt Management, in addition to the Independent Case Examiner's Office on a quarterly basis, to explore whether there is any evidence of the policy having an adverse / discriminatory impact on customers (specifically in respect to their gender, race and any disabilities they may have).
24. To do this, each business / agency will keep records of any complaints/comments they receive from customers which states that the Financial Redress policy has discriminated against them. We will contact each agency / business on a quarterly basis to collate these statistics and use it to continually monitor the guidance and ensure that if any impact has been identified, it is addressed and the policy amended to ensure that there are no impacts to any of our customers specifically in relation to their gender, race or any disabilities they may have.

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