

Equality Statement

Taking Control of Goods Regulations Consultation Response

1. Consideration has been given to the impact of the proposals against the statutory obligations under the Equality Act 2010 (including the Public Sector Equality Duty). The following evidence has been considered as part of the Public Sector Equality Duty:
 - Evidence submitted to the Taking Control of Goods Consultation 2023¹;
 - Data on users of reformed services: HMCTS protected characteristics questionnaire 2022.²
 - Transforming Bailiff Action Equality Impact Assessment (EIA) 2013.³
2. Consultees did not provide any data to enable us to model the impact of the reforms on people with protected characteristics, although respondents to the consultation suggested that people with protected characteristics would be more likely to be the subject of enforcement action.
3. Evidence gathered by HMCTS in 2022 for a survey on users of reformed services suggested that the following groups with protected characteristics are more likely to be in debt compared to the general population and will, therefore, be impacted by a change to the fees that EAs recover from debtors: 25-34 year olds; people from ethnic minority backgrounds; and lone parents (the majority of whom are women). This survey mirrored the findings of the 2013 EIA published in 2013 to support a consultation for proposals to amend the rules governing bailiff action.
4. Since the consultation, we have also considered the findings of a report by StepChange⁴, which is a debt advice charity. They surveyed their debt advice clients to understand their experiences of council tax debt collection and enforcement. They found those with council tax arrears are disproportionately likely to be single parents and women; many are both. This corroborates some of the findings from the HMCTS survey conducted in 2022.

Direct Discrimination

5. Based on the information available, our assessment is that these packages of reforms are not directly discriminatory within the meaning of the Equality Act. This is because the reforms apply equally to all debtors, creditors and enforcement agents, irrespective of whether or not they have a protected characteristic. We do not consider that the proposals would, therefore, result in people being treated less favourably because of their protected characteristic.

¹ Taking control of goods regulations consultation - GOV.UK

² <https://www.gov.uk/government/publications/hmcts-protected-characteristics-questionnaire/hmcts-protected-characteristics-questionnaire-data-on-users-of-reformed-services>

³ https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action/supporting_documents/transformingbailiffactioneia.pdf

⁴ Looking through the keyhole - StepChange

Indirect Discrimination

6. We do not believe the reforms to the Taking Control of Goods procedure and Taking Control of Goods (Fees) Regulations will result in indirect discrimination, given they will be applied in the same way to all individuals in scope and are not considered likely to result in any particular disadvantage for anyone with a protected characteristic compared to those who do not share the protected characteristic.
7. Our reforms aim to make the recovery of enforcement fees fairer and more consistent and to provide vulnerable debtors with more time to seek debt advice, including agreeing to pay by instalments, which will be beneficial to anyone facing enforcement action.