



Report of the Head of Adult Services and Tackling Poverty

Safeguarding People and Tackling Poverty Corporate Delivery Committee
- 26 September 2022

Draft Corporate Personal Debt Recovery Policy

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| Purpose: | To develop and adopt a policy which embeds a corporate approach to the management of personal debt recovery. |
| Policy Framework: | Swansea Council's Tackling Poverty Strategy Welsh Government's Financial Inclusion Strategy Socio-Economic Duty 2021 Financial Regulations |
| Consultation: | Access to Services, Finance, Legal. |
| Recommendation(s): | It is recommended that: 1) The Safeguarding People and Tackling Poverty Corporate Delivery Committee consider the Draft Corporate Personal Debt Recovery Policy and make any recommendations prior to progressing to Corporate Management Team, subsequent IIA process, Public Consultation and Council approval of the final policy. |
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1. Introduction

- 1.1 The draft Corporate Personal Debt Recovery Policy (Appendix A) sets out how the Council will work with residents to collect personal debt and what we will do to help those who owe money to the Council.
- 1.2 Debt is defined as 'any amount owed that has not been paid by the due date'.

1.3 The policy will cover personal debts owed to the Council, which includes, but is not limited to:

- Housing Rents
- Council Tax
- Social Care fees
- Housing Benefit Overpayments
- Overpaid Council salaries and wages (current and former employees)
- Housing recharges for property damage
- Berthing fees and charges for boats
- Other debts owed to the authority

2. Developing a Corporate Personal Debt Recovery Policy

2.1 The Council recognises that a significant proportion of Council services are funded through taxes and service charges. If income is not collected effectively, then the authority will be unable to properly fund the vital services it provides for the residents of Swansea or it will simply mean costs fall to others to pay more to make up the shortfall.

2.2 The Chief Finance Officer (Section 151 Officer) is required under The Local Government Act 1972 to ensure proper administration of the financial affairs of the Council. One such area of administration relates to the collection of income due to the Council. The Chief Finance Officer's responsibility, along with other officers, in the collection of income due to the Council is outlined in the Council's Constitution.

2.3 Swansea Council also recognises that early engagement from those at risk of debt or in debt, can prevent debts from escalating, reduce indebtedness and increase the ability of residents to meet their financial responsibilities.

2.4 We know that anyone can experience financial difficulties at any time and that money problems do not just affect the person in debt. Families and communities thrive when people can afford healthy lives and avoid the stress of money worries.

2.5 The policy will let our residents know that we will help people with money worries to get specialist free and impartial help if they want it.

2.6 Services across the Council that collect outstanding personal debts have contributed to the Draft Corporate Personal Debt Recovery Policy including the guiding principles that have been developed and draft content. Contributing services include for Housing Benefits, Housing Benefits Overpayments, Council Tax, School Penalty Notices, Social Care Contributions and Accounts Receivable.

3. Recommendations

- 3.1 It is recommended that the Safeguarding People and Tackling Poverty Corporate Delivery Committee consider the Draft Corporate Personal Debt Recovery Policy and make any recommendations prior to progressing to Corporate Management Team, subsequent IIA process, Public Consultation and Council approval of the final policy.

4. Integrated Assessment Implications

- 4.1 The Council is subject to the public sector duties relating to equality and socio-economic inequalities as prescribed by the Equality Act 2010, the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure 2011, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 4.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 4.4 An IIA screening has been completed and identified a full IIA will be required as a part of the policy development process.

5. Financial Implications

- 5.1 Whilst there are no direct financial implications arising from this report, it may lead to decisions being taken at a later date that may have costs attached. Should that be the case, additional consideration will need to be given to how the additional costs / resources will be provided at that time.

6. Legal Implications

- 6.1 The Council must have due regard to the Public Sector Equality Duty under s149 of the Equality Act 2010 as well as its duties under the Equality Act (Statutory Duties) (Wales) Regulations 2011.

Background Papers: None

Appendices:

Appendix A - Draft Corporate Personal Debt Recovery Policy

Appendix B - IIA Screening Form Corporate Personal Debt Recovery Policy