

## Appendix 4

# EQUALITY IMPACT ANALYSIS FORM

### STAGE1: INITIAL EQUALITY IMPACT ANALYSIS

This stage will establish whether a policy, strategy, plan, function or a change initiative (proposed step) is likely to have an adverse or positive impact on human rights or on the grounds of a protected characteristic i.e. race, gender, disability, age, religion or belief, sexual orientation. (Refer to [Guidance Document](#))

<b>Title of Proposed Step</b>	To produce a statutory “Strategic Tenancy Policy” which will provide a new framework for the creation of tenancies by social housing landlords (includes Housing Associations and Thurrock Council) within Thurrock. This first issue is a duty placed on Local Authorities by the Localism Act  To produce in consultation with tenants and stakeholders a new detailed Council tenancy policy (Appendix 2) in respect of its own tenants. This policy will sit within the “Strategic Tenancy Policy” framework. This second issue is a requirement which follows from the above
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**Q 1.** What is the aim of the proposed step? Is it likely to have a positive impact, such as promoting human rights, tackling discrimination, improving access, promoting community cohesion or addressing socio-economic inequality? If “yes”, summarise evidence from stakeholders, corporate diversity team, research or data:

There is a duty on local authorities through the Localism Act 2011 to publish Strategic Tenancy Policy within 12 months of its enactment (Jan 2013). The Strategic Tenancy Policy must be consistent with the Council’s homeless strategy, allocation scheme and take into account of the tenancy and rent standards.

The Strategic Tenancy Policy sets out the broad objectives to be taken into consideration by individual social landlords in the area regarding their own policies on the grant and re-issue of tenancies. Local authorities will base their strategies on their local circumstances. The duty will apply to all local authorities whether or not they still have their own housing stock. Local authorities are required to draw up the strategic tenancy policy in consultation with other social landlords (e.g. Housing Associations, also known as Registered Providers - RPs). Consultation has also been undertaken with applicants, tenants and local voluntary and community organisations.

The Strategic Tenancy Policy offers the Council an opportunity to review and change social housing tenancies within the Borough, including adopting introductory tenancies. Through providing a range of tenancies with appropriate conditions of tenancy and tenancy incentives, the Council can ensure its own housing stock is used more effectively to meet the housing needs of its residents; it can also protect vulnerable residents in terms of maintaining secure tenancies where appropriate.

## V.1

The purpose of this Equality Impact Assessment is to assess the impact the changes to Thurrock Council's Strategic Tenancy Policy has on different equality groups.

There is no legal requirement to review or revise the scheme at determined periods in the future, however it is prudent to review the strategy each 5 years or where a major change needs to be implemented the requirements to consult with local Registered Providers and to carry out a further impact assessment is triggered. In such circumstances the Council would also carry out a more extensive consultation involving all those groups that might be affected by any changes.

Once the Strategic Tenancy Policy has been adopted at Cabinet, any changes will be implemented from April 2013 onwards.

**Q 2.** Can the positive impact be further enhanced to benefit a wider range of people than originally envisaged?

N/A

**Q 3.** Is there likely to be an adverse impact as a result of this proposed step? If **NO**, explain why here. If **YES** a more detailed analysis of impact will be required go to **Stage 2**.

Yes – see more detailed analysis in section 4.

### STAGE 2: FULL EQUALITY IMPACT ANALYSIS

This stage examines the proposed step in more detail in order to obtain further information about its potential negative impact. It will help inform whether any remedial action needs to be taken, and may form part of a continuing assessment framework as the proposal develops.

**Q 4.** What research/data/information is there on any equality or human rights issues, or the relevant equality groups impacted? What differential impact is there between equality groups?

**AGE:**

The population in Thurrock is younger than the national picture:

- 20% of the population are aged less than 15 years compared to 17.5% nationally
- 29.7% are aged over 50 years compared to 34.2% nationally
- 15.8% are aged over 65 years compared to 19.4% nationally.
- The average age within the borough is 37 years compared to 39.5 nationally

People applying for housing must be aged 18 years or over in order to comply with the legal requirement to hold a tenancy in their own right.

The Council are recommending it retains its secure tenancies offer to future tenants however they will be subject to a probationary tenancy of one year. Probationary tenancies are to be used in appropriate situations by each social landlord with the aim of deterring and reducing anti-social behaviour among tenants and to create incentives for new tenants to look after their homes and pay their rent on time.

It is possible to meet both objectives (housing needs and sustainable communities) by adopting

an alternative course of action to make the best use of existing stock other than fixed term tenancies. Rather than making use of legal powers through fixed-term tenancies, the Council is focusing on the use of incentives for tenants in order to make the best use of its existing stock and reduce under-occupation. For example, the new tenancy policy includes an incentive scheme for certain groups of tenants to apply to downsize and in return receive a proportion of their annual rent free.

However, it should be noted that the Strategic Tenancy Policy recognises the differences between the business plans of local Housing associations and the Council's own Housing Business Plan. These different business imperatives may require a different approach in regard to the granting tenancies.

In order for Housing Associations to be able to maximise their development potential, they need to have increased flexibility over their future rental income streams. Most Housing Associations nationally and locally are planning to introduce fixed term, short-hold assured tenancies for new lettings and new builds at what are termed "affordable rents". These rents, at up to 80% of gross market rents (this will include the service charge for the property, where applicable), are higher than social rents. This may have an adverse impact on women as the affordability ratio for single women with children is likely to be higher due to lower wages.

The Strategic Tenancy Policy states; all affordable rent properties should be advertised through the agreed Thurrock's choice based lettings system clearly identifying that the property will be let at an 'affordable rent'.

In addition, the Strategic Tenancy Policy requests, social landlords to provide:

- **Advice & Assistance** – All social landlords should seek to encourage its tenants to take control of their lives by providing support when it is needed at the time of crisis, but will also encourage tenants to prepare for independence once their situation has improved.  
*Advice pre-tenancy:*
  - It is the landlord's responsibility to explain and ensure all the terms and conditions of the landlord and the tenant are understood
  - Ensure sufficient information is available to applicants to make an informed decision with regards to their housing and economic circumstances

The consultation clearly promoted the principle of providing housing for local people which mitigates any potential risk of discrimination.

#### **GENDER REASSIGNMENT:**

There is no evidence that gender reassignment impacts on people's ability to access housing services, or on the quality of service they receive.

There are no changes to the policy that will specifically impact this group

#### **RACE**

Thurrock's Annual Equality Report (2012) indicates that Thurrock has a lower proportion of ethnic minorities than the national average. Thurrock's ethnic minority population stood at 4.7% in the 2001 census, compared with a national average of 9%.

The largest BME group was recorded as Asian / Asian British (3.7%)

Research has established that the level of housing need within BME communities can in some cases be more acute than in other groups. This may be, for example, due to the prevalence of

overcrowding due to extended family living, and the poor condition of some (particularly private sector) properties (Facing the Facts, Essex BME Housing Needs Study 2003).

The Strategic Tenancy Policy through alignment with the Allocation Scheme changes the way in which overcrowding is assessed, and allows children less under 10 years to share a bedroom regardless of sex. Children over 10 years would only share where they are of the same sex.

Whilst BME communities may have more children sharing bedrooms, standards for overcrowding will be consistent for all race groups and priorities awarded where overcrowding meets these standards. There will also be a priority available for private sector properties which have housing hazards – again this is available to all households. Therefore there is no adverse impact for this strand.

The Council has a Service Level Agreement with TRUST (Thurrock Racial Unity Support Taskforce) to ensure better working arrangements in relation to BME communities, and more positive outcomes for them.

## **DISABILITY**

According to the Annual Equality Report (2012) there are around 500 people of all ages with a learning disability in Thurrock.

91,000 people aged between 18 and 65 have some physical impairment with the vast majority living in the community.

3.85 in every 1000 of the population in Thurrock are using adult & elderly NHS secondary mental health services – e.g. community mental health service. This is significantly higher than the average figure for England (2.55 in every 1000)

The Strategic Tenancy Policy in alignment with the Allocation Scheme:

1. Allows properties that have already been adapted for people with disabilities, to be advertised (when empty) only for those who have a need for the adaptations due to their disability. Such applicants are registered on an accessible housing register.

This is a positive discrimination for this group but is justified by the high cost of carrying out such adaptations and the low numbers of properties affected – it is anticipated to be less than 15 properties per year.

2. The new scheme offers 15% of all properties only for working households (or those contributing to the community).

This could negatively impact those who are unable to work because of their disability or health problems

The scheme has included the provision of making a contribution to the community to mitigate this negative impact.

Where applicants are so disabled that they cannot make any contribution, it is likely they would require adapted properties and are therefore positively impacted due to the details at 1. Above.

The Strategic Tenancy policy ensures alignment with the Local Development Framework to ensure Future housing is to be developed to Life-Time-Homes standard, Special needs housing and housing with adaptations also need to be planned to meets the needs identified in the above Strategic Needs Assessment 2013. The objectives of the Tenancy Strategy will have a positive impact on people with disabilities because it will help ensure that properties with adaptations are

made available to those most in need.

### **SEXUAL ORIENTATION**

There is limited statistical data on sexual orientation in Thurrock. However, an estimated 6% of the general population is lesbian/gay (according to a survey carried out by the Treasury Dept in 2005) and it is reasonable to assume that the trend is similar in Thurrock

There is no evidence that sexual orientation impacts on people's ability to access housing services, or on the quality of service they receive.

There are no changes to the policy that will specifically impact this group.

Joint tenancies will usually be offered where members of the same household have a long-term commitment – this includes same sex partners.

### **RELIGION OR BELIEF**

The 2001 Census indicates that Christians are the largest faith group in Thurrock (forming 75.1% of Thurrock's population).

Other faith groups include Muslims (1.1%), Sikhs (0.7%), Hindus (0.6%), Buddhists (0.2%) and Jewish (0.2%). 15.5% indicated being of no religion.

There is no evidence that religion or belief impacts on people's ability to access services, or on the quality of services they receive.

The Strategic Tenancy Policy aligns itself with the Allocation Scheme changes the way in which overcrowding is assessed and allows children less than 10 years to share a bedroom regardless of sex.

Children over 10 years would only share, where they are of the same sex.

This could impact households whose religion does not allow members of the opposite sex to share bedrooms.

The changes are in line with national regulations for Housing Benefit and the Bedroom Standard for overcrowding. To make an exception on the basis of religion would therefore be a disproportionate response.

### **GENDER**

The 2001 Census records Thurrock's population as being 51% female and 49% male. There is no evidence that gender impacts on people's ability to access services, or on the quality of services they receive

The new scheme offers 15% of all properties only for working households or those contributing to the community.

Men are more likely to be working than women who are traditionally more likely to take up child care duties, and therefore women could be disadvantaged.

Affordable rents, at up to 80% of gross market rents (this will include the service charge for the property, where applicable), are higher than social rents. This may have an adverse impact on women as the affordability ratio for single women with children is likely to be higher due to lower wages.

The Strategic Tenancy Policy states; all affordable rent properties should be advertised through the agreed Thurrock's choice based lettings system clearly identifying that the property will be let at an 'affordable rent'.

In addition, the Strategic Tenancy Policy requests, social landlords to provide:

- Advice & Assistance – All social landlords should seek to encourage its tenants to take control of their lives by providing support when it is needed at the time of crisis, but will also encourage tenants to prepare for independence once their situation has improved.  
*Advice pre-tenancy:*
  - It is the landlord's responsibility to explain and ensure all the terms and conditions of the landlord and the tenant are understood
  - Ensure sufficient information is available to applicants to make an informed decision with regards to their housing and economic circumstances

The consultation clearly promoted the principle of providing housing for local people which mitigates any potential risk of discrimination.

### **MARRIAGE & CIVIL PARTNERSHIP**

There is no evidence that marriage or civil partnership impacts on people's ability to access services, or on the quality of services they receive.

There are no changes to the policy that will specifically impact this characteristic.

Joint tenancies will usually be offered where members of the same household have a long-term commitment – this includes same sex partners.

The Localism Act has stated that there is no automatic right of succession regarding secure tenancies granted after April 1 2012, except in those cases that concern spouses & civil partners. The Strategic Policy permits one right of succession from one spouse to another (a couple either married or in a civil partnership). It should be noted that S86A. (5) of the Housing Act 1985 states that *"a person who was living with the tenant as the tenant's wife or husband is to be treated as the tenant's spouse"*. It also makes the same provision for someone living with the tenant as the tenant's civil partner; such a person should be treated as the legal civil partner. Thus, succession applies to those who might be considered to be living in "common-law" relationships.

The consultation clearly promoted the principle of providing housing for local people which mitigates any potential risk of discrimination.

### **PREGNANCY & MATERNITY**

There is no evidence that pregnancy or maternity impacts on people's ability to access services or on the quality of services they receive.

It is common for women to move whilst pregnant to accommodate the expecting child and whilst on maternity leave they may have less income to spend on housing. Higher affordability ratios may therefore have a disproportionate impact on women.

The Strategy and local housing allocation policies need to be sympathetic to the needs of pregnant and women on maternity leave:

The Allocation Scheme has changed the time limit for when an applicant is entitled to an extra bedroom for an unborn child.

## V.1

Previously when a pregnant applicant was 20 weeks pregnant their bedroom entitlement increased to recognise the unborn child.

The new scheme has increased the time limit to 28 weeks.

This will impact pregnant applicants with no other children since they would only be entitled to a one bedroom property until they reach 28 weeks of pregnancy when they would then become entitled to two bedrooms.

However the impact will be minimal since only those applicants who are actually offered a property whilst pregnant would be affected – likely to be less than 25 people per year.

This is further mitigated by the fact that overcrowding would not occur if a young child were to share a bedroom with an adult and this is common practice

**Q 5.** Have you received advice on equality requirements or issues? Provide a summary of the equalities and human rights advice received from the corporate diversity team:

**Q 6.** Have the proposed steps been revised following a consultation? What steps have been taken to mitigate any adverse impact/ reduce/eliminate inequalities? Give an analysis of any specific factors which have been taken into account? If no consultation was undertaken please say why.

Consultation with Registered Providers has been carried out over a prolonged period from September 2011 to November 2012, this included meetings, through the Thames Gateway South Essex Housing Sub Region Registered Providers Forum.

An initial public consultation was carried out between 4<sup>th</sup> October and 22<sup>nd</sup> November 2012 with the aim of analysing the views of participants regarding the strategic tenancy policy and the use of flexible tenancies.

The consultation involved applicants for housing, current tenants, local Registered Providers, statutory and voluntary agencies and Council Members and staff.

A specific consultation meeting was held with members representing disability groups, and older peoples groups and tenants. The purpose of the meetings was to specifically consider the impacts that proposed changes might have on these groups and how these could be mitigated if necessary.

The consultation was undertaken at a time when new legislation – The Localism Act 2011 was being implemented and a new Code of Guidance (draft) had been issued by the Department for Communities and local Government. The new provisions give local authorities greater freedoms over who they chose to house, whilst still recognising the need to assist those in greatest housing need.

**Q 7.** Does the potential negative impact fall within the very **high** to **medium** range of the risk assessment - see risk assessment grid. What actions will be taken to reduce risk to **low** and

improve outcomes?
No – low risk identified during consultation and mitigated by factors discussed in 4 above.

**Q. 8.** How will the proposed steps be monitored and evaluated, including its impact? Where appropriate, what data systems or methods will be introduced to support monitoring or evaluation?

This would include trends relating to housing need, homelessness, reviewing effectiveness of allocation policy, rent levels across all tenure, number of new homes built including affordability and monitoring of receipts of Universal Credit against a household’s overall ability to maintain a tenancy.

Monitoring and compliance will be enforced through a suitably worded clause in future Section 106 agreements. Local Development Framework policies should also support the requirement for balanced and sustainable communities.

Ongoing monitoring with regards to who is being housed via the new scheme will be implemented. This will include monitoring of equality strand groups.

Please send the form to The Corporate Diversity Team 3rd Floor Civic Offices or [diversity@thurrock.gov.uk](mailto:diversity@thurrock.gov.uk). We will complete the administration section and publish the document. The EqIA is not completed unless it is properly published.

Electronic signatures are acceptable

Corporate Diversity Team to complete	
EqIA Meeting Date:	EqIA Publication Date:
EqIA Submitted Date:	EqIA Review Date:

AUTHOR SIGNATURE:	
HEAD OF SERVICE SIGNATURE::	