

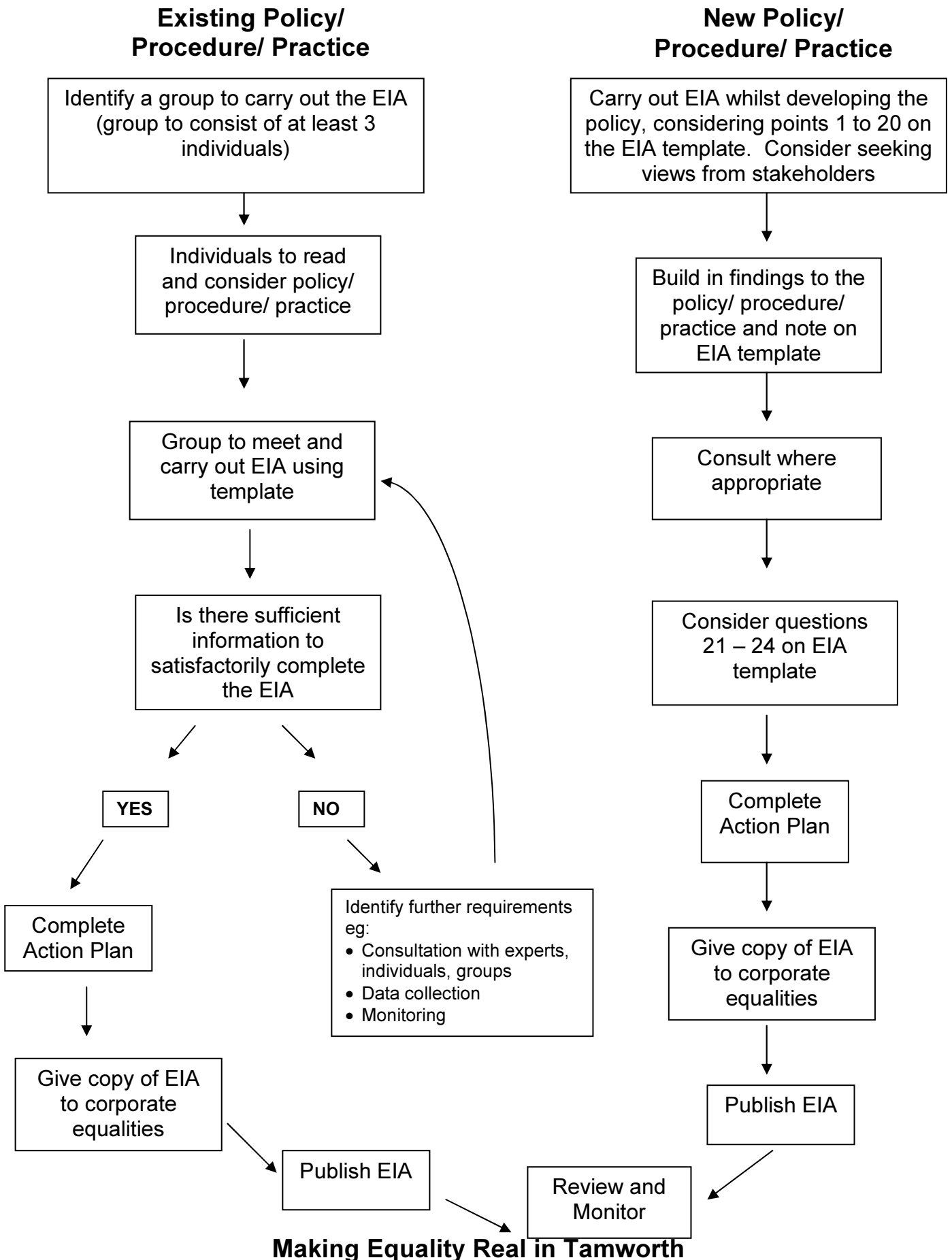
Tamworth
Borough Council



Equality Impact Assessment Toolkit

Making Equality Real in Tamworth

Equality Impact Assessment Procedure



Equality Impact Assessment Template

Name of policy/ procedure/ practice to be assessed	Allocations Policy (reviewed March 2014)		Date of Assessment		March 2014
Is this a new or existing policy/ procedure/ practice?	Existing but recently reviewed	Officer responsible for the Assessment	Steve Pointon	Department	Housing & Health
1. Briefly describe the aims, objectives and purpose of the policy/ procedure/ practice?	<p>The objectives of this policy are to ensure that socially rented homes are let to applicants that are most in need; that best use is made of the housing stock; that applicants are enabled to make choices about their future home.</p> <p>The Policy sets out:</p> <ul style="list-style-type: none"> • How people can apply to join the housing register • Eligibility and qualification criteria for applicants • How applications are prioritised • Which households can bid for certain types of homes 				
2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?	<ul style="list-style-type: none"> • Review/appeals process (outlined in Policy) • Assessment for sheltered housing • Procedure for processing applications; advertising homes and determining which applicant (bidder) will be made an offer • Procedure and practice for assessing discretionary priority on the grounds of social/welfare/hardship; medical need; other vulnerabilities 				
3. Who is intended to benefit from this policy/ procedure/ practice and in what way?	<p>Beneficiaries are</p> <ul style="list-style-type: none"> • People who are in housing need, depending on the urgency/level of need • People who live in, or have a strong connection with Tamworth. <p>The Policy sets out that:</p> <ul style="list-style-type: none"> • Those in highest housing need will be given preference for homes for which they express an interest (bid) • People who have been waiting longest will be prioritised over others with the same or equivalent level of housing need • People who can afford their own housing solution will not be prioritised above those that cannot • People who have no local connection with Tamworth will not be prioritised over those that do. 				

<p>4. What are the desired outcomes from this policy/ procedure/ practice?</p>	<ul style="list-style-type: none"> • Ensure greater choice and maximise options for prospective and existing tenants', preventing homelessness. • Create more mixed and sustainable communities within Tamworth supporting greater community cohesion • Promote greater mobility by removing barriers to housing • Make best use of stock through 'incentive to move schemes' for releasing under-occupied properties or adapted properties • Provide an open, transparent and equitable service to all customers that is tailored to individual needs and vulnerability • Ensure value for money by improving customer satisfaction and sustaining tenancies longer-term
<p>5. What factors/ forces could contribute/ detract from the outcomes?</p>	<p>Welfare reforms; increasing private sector rents; lower mortgage availability; unwillingness of private landlords to accept tenants on benefits;</p> <p>Impacts and consequences may include:</p> <ul style="list-style-type: none"> • Shortage of available homes (less choice) • Lack of demand for larger family homes (best use not made of housing) • Increased demand for social housing (less able to help people in housing need or to prevent homelessness) • Increased homelessness through loss of tenancy/mortgaged home (less able to prevent homelessness or help people in other types of housing need) • Lack of availability of smaller homes (less able to release under-occupied or adapted properties; more difficult to prevent homelessness as result of welfare reforms)
<p>6. Who are the main stakeholders in relation to the policy/ procedure/ practice?</p>	<ul style="list-style-type: none"> • Existing housing register applicants • Prospective applicants for housing • Private registered providers (who advertise homes via Tamworth's website) • Support providers • Organisations (statutory and voluntary) that work with people who are also likely to have a housing need • Neighbouring local authorities

<p>7. Which individuals/ groups have been/ will be consulted with on this policy/ procedure/ practice?</p>	<p>Open consultation via the Council's website on the main proposed changes to the Policy. Paper copies provided on request. Consultation opened on 27th August and closed on 15th October 2013</p> <p>Notification of the consultation provided specifically to:</p> <ul style="list-style-type: none"> • Tenant representatives • Housing register applicants • Organisations that work with people likely to be in housing need • Private registered providers • Neighbouring local authorities <p>A total of 136 responses were received and analysed on the Council's behalf by Staffordshire County Council's Insight Team. In response to feedback, amendments were made to some of the Policy proposals. Some proposed changes have been dropped altogether (eg, provision to close the housing register to new applicants from time to time) and some have been adjusted / amended (eg, additional priority for those with more than one housing need in the Bands 1 and 2 categories). Additional safeguards have been included where the Policy may unintentionally disadvantage an applicant (eg, because of welfare reforms). The Policy more clearly defines how qualification for the register will be determined and how this can change.</p> <p>An analysis of the current letting patterns and register profile was completed to understand how different customer groups might be affected.</p> <p>In addition, there were two workshops for Tamworth housing staff that sought to understand the impacts and any unintended consequences of the proposed Policy on customers who approach the Council on various housing-related matters.</p> <p>Elected Members are invited to a specific workshop on 19th March, after which the Policy will be finalised.</p>	
<p>8. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact on racial groups?</p>		<p>N Impact assessment of existing Policy shows that registrations and allocations align with racial diversity of Tamworth. Access to the register and bidding already supported by existing arrangements. Changes made to the Policy do not disproportionately affect different racial groups.</p>

<p>9. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to gender?</p>	<p>Y</p>	<p>The Policy does not discriminate by gender. However, there are negative impacts on a parent who does not have residency of the child/ren in that there is no bedroom allowance made for the children of that parent, even if there are shared care arrangements. As fathers are less likely to have residency than mothers, this could be perceived as being gender-biased, although it is applied equally to whomever does or does not have residency, irrespective of gender, and the Council has no role in determining which parent has residency.</p> <p>This is discussed in more detail under 'dependant/caring responsibilities'.</p>
<p>10. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them being transgender or transsexual?</p>	<p>N</p>	<p>The Policy does not differentiate by sexuality, sexual orientation or gender. Applicants are asked to complete a diversity form but this has no relevance to their application.</p>
<p>11. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to disability?</p>	<p>Y</p>	<p>The Policy provides additional priority where someone is disabled and their home is not suitable for their needs, ie, positive discrimination. This complies with the Equality Act 2010.</p>
<p>12. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to sexual orientation?</p>	<p>N</p>	<p>The Policy does not differentiate by sexuality, sexual orientation or gender. Applicants are asked to complete a diversity form but this has no relevance to their application.</p>
<p>13. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to age?</p>	<p>Y</p>	<p>There is an intentional positive discrimination for persons who are 60 years or above as owner-occupiers can register for sheltered housing (only).</p> <p>The Policy and the allocations scheme are available online, which can disadvantage people without internet access (more prevalent in older age groups). However, support is offered to understand properties available and to make bids in person at Reception or over the phone and other agencies are also able to make bids on applicants' behalf, provided the applicant gives permission.</p> <p>Where an older person wants sheltered housing, the Independent Living Managers see them in person to ensure they are clear about this choice.</p> <p>People in older age groups are not restricted to bidding for properties intended only for older people.</p>

14. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to religious belief?	N	The Policy does not differentiate by religion. Property advertisements are published on days that do not conflict with any regular religious holidays (or restricted days) so that applicants of any religion are able to bid. Bidding is not 'first come first served' – all bids are assessed only once the advertisement closes.
15. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact on Gypsies/ Travellers?	Y	<p>The introduction of a local connection policy is likely to disadvantage gypsies / travellers, as there is currently no gypsy/traveller site provision within the Tamworth boundary. This means that gypsies and travellers cannot establish a local connection by staying on a local site. Other ways of establishing a local connection include:</p> <ul style="list-style-type: none"> • Have permanent employment within the district, or • Have close family members who have lived in the district for at least the last 5 years, and where there has been frequent contact, commitment or dependency immediately prior to the date of application, or • Have a special reason for needing to live in the area <p>These may be applicable to this group but the second (family connection) is less likely owing, again, to the lack of a local site.</p> <p>People with no local connection can still join the housing register, but are placed into Band 4 so are unlikely to bid successfully for a property.</p> <p>Gypsies/travellers can apply to be considered for help with housing under the homelessness legislation. This provides a safety net for people who have no local connection with any area.</p>
16. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to dependant/caring responsibilities?	Y	The Policy aligns with welfare reform in restricting a bedroom allowance for the child/ren to the parent with residency, even if there are shared care arrangements. This is an unavoidable consequence of government policy on benefits, and already applies to private tenants. There has been one recent court challenge to this government reform under Human Rights

		<p>legislation (right to family life). Should there be a change in welfare policy this Policy will be amended.</p> <p>The Policy specifically provides for people who are carers (social/welfare grounds) and those that need overnight carers.</p>
<p>17. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them having an offending past?</p>	<p>Y</p>	<p>People who have convictions for:</p> <ul style="list-style-type: none"> • Using premises for illegal or immoral purpose • Criminal offences in or near the home and still posing a threat to neighbours or the community • Criminal or civil offence relating to abusive behaviour towards a Tamworth Borough Council employee, partner or contractor • Housing or welfare benefits-related fraud <p>are restricted from joining the housing register under this Policy. These offences are relevant to the appropriate use and safe provision of housing, and are also intended to protect staff, neighbours and communities from the consequences of such behaviour.</p> <p>Disqualification lasts initially for 12 months or until the conviction is spent. The Policy has provision for appeals against disqualification from the list, and applicants who can show that their behaviour is unlikely to recur, or that they have made reparation to mitigate their offence may be allowed to join the register. Supporters, that might include Probation officers, can also support them in this review.</p>

<p>18. Are there concerns that the policy/ procedure/ practice could have an impact on children or vulnerable adults?</p>	<p>Y</p>	<p>Changes have been made that affect children as follows:</p> <ul style="list-style-type: none"> • There is no restriction to children living above the ground floor • Young people under 18 years usually cannot join the waiting list • Bedroom entitlement for children has been changed to align with welfare reforms <p>Whilst many parents would prefer not to live above the ground floor with a baby or young child, the pressure on housing has led to this change. Most other local authorities already have no restrictions on children living above the ground floor, and many parents living in private housing have to cope with this circumstance. Where a parent especially struggles to manage because of his or her own medical or disability needs, or where a child is disabled, this will be taken into account through assessment for medical priority.</p> <p>Applicants aged 16 or 17 are able to join the housing register where a statutory assessment under Section 17 of the Children Act 1996 has been undertaken and a statutory duty is owed. This safeguards younger adults who are at risk.</p> <p>The government has effectively determined bedroom eligibility through changes to housing benefit entitlement. These restrictions already apply to private tenancies. The Policy reflects these to prevent rent arrears and eviction. None of these changes endanger children's welfare.</p> <p>The Policy provides positive discrimination for vulnerable adults, eg, through move on from supported housing, medical and social/welfare priority. The scheme also provides for additional support to be provided to vulnerable people to help them to identify and bid for suitable properties.</p>
<p>19. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?</p>	<p>N</p>	<p>The impacts identified are not cumulative and they differ depending on the category. There is no likelihood that any individual affected by one impact will be more likely to be affected by another.</p>

<p>20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?</p>	<p>Y</p>		<p>Potential for adverse impacts identified for:</p> <ul style="list-style-type: none"> a) Gypsies/travellers b) Offenders c) Children living above the ground floor (and their parent/s) d) Parents who don't have residency of their child/ren
<p>21. Can this adverse impact be justified:</p> <ul style="list-style-type: none"> • on the grounds of promoting equality of opportunity for one group? • For any other reason? 	<p>Y</p>	<p>N</p>	<p>See additional information below</p>
<p>22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?</p>		<p>N</p>	<p>These provisions have not changed since the consultation outlined above. In each case, the majority of respondents agreed with the changes.</p>
<p>23. As a result of this EIA should this policy/ procedure/ practice be recommended for implementation in its current state?</p>	<p>Y</p>		<p>Most Policy changes have been driven by the increasing demand for social housing and welfare reform, together with the increased risks of unsustainable tenancies/eviction. Changes comply with government guidance under the Localism Act 2011. The Policy does not adopt the more stringent requirement for two years local connection, included in statutory guidance on local connection published in December 2013. This is because Tamworth works with neighbouring authorities to enable mobility for employment and economic development, which together support Tamworth to develop as a prosperous area. In addition, a more stringent local connection criterion of two years would leave some Council housing stock with low demand, which in itself threatens the sustainability of the stock and the HRA business plan. This longer local connection requirement would also further disadvantage gypsies and travellers.</p>

21. Can this adverse impact be justified:

- **On the grounds of promoting equality of opportunity for one group?**
- **For any other reason?**

a) Gypsies/travellers

The adverse impact cannot be justified.

The potential adverse impact arises from the inability of this group to form a local connection with Tamworth as there are no approved sites in the Borough. While people can approach the Council as homeless and the Council may have a duty towards them if they have no local connection with any other area, this is not an appropriate route where people want to settle into housing rather than continuing a travelling lifestyle. Housing Advice could give assistance to locate a private rented property, but this group experiences widespread discrimination, so it is quite likely that private landlords would refuse to offer them a tenancy.

The following will mitigate this impact:

The Policy provides for people to be accorded a local connection provided there is 'a special reason for needing to live in the area'. Policy and procedure guidelines for staff will therefore highlight the potential for discrimination because of the local connection criteria, so that people that identify themselves as gypsies/travellers are given a discretionary local connection. The information on the application form would indicate that someone is a caravan-dweller.

b) Offenders

The adverse impact can be justified

The adverse impact applies only to offenders that have committed a housing- or tenancy-related criminal or civil offence. These are relevant to the appropriate use and safe provision of housing, and are also intended to protect staff, neighbours and communities from the consequences of such behaviour. Disqualifying offenders for (only) these specific offences is justifiable to protect other tenants' and neighbours' rights to quiet enjoyment and to mitigate risks of anti-social behaviour.

Disqualification lasts initially for 12 months or until the conviction is spent. The Policy has provision for appeals against disqualification from the list, and applicants who can show that their behaviour is unlikely to recur, or that they have made reparation to mitigate their offence may be allowed to join the register. Supporters, that might include Probation officers, can also support them in this review.

c) Children living above the ground floor

The adverse impact can be justified

This change from the previous Policy has been introduced to manage the demand for housing and enable families to move into social housing more promptly. The previous Policy prevented people with young children from bidding for upper floor properties, which delayed access to housing and left people in unsatisfactory homes (including temporary accommodation) for much longer. This had a more deleterious impact on children, and put their health and wellbeing at risk. While living on an upper floor may not be ideal, the balance of judgement is that this is a better option than the alternative. Applicants can choose which properties they bid for, so people can make their own decisions about the urgency of their housing need, compared to the inconvenience of an upper floor property.

d) Parents who don't have residency of their children

The adverse impact can be justified

Following changes to housing benefit entitlement, social tenants who are not the main carer of their children are not entitled to housing benefit to cover a 'spare room' that they hold available for their children to stay in. Private tenants are already restricted in the amount of housing benefit receivable and cannot claim housing benefit for a room for their (separated) children.

The financial impacts on those that rely on housing benefit to be able to afford the rent are severe, and this places people at risk of losing their tenancies. Were we to allow separated parents to continue to bid for homes that are large enough to accommodate children for whom they don't have residency, we would be placing them at risk of losing their tenancy. Most properties do have a separate living room, which can be used for overnight visitors. Applicants in this situation can choose not to bid on bedsits or studio flats that would be too small to have overnight visitors.

Equality Impact Assessment Action Plan

Complete the action plan demonstrating the changes required in order to meet TBC's commitment to equality and diversity. The action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

ACTION/ ACTIVITY	RESPONSIBILITY	TARGET	PROGRESS
<p><u>Re. gypsies and travellers</u></p> <ul style="list-style-type: none"> • Ensure that the Policy / procedure guidance for staff includes reference to the impact on gypsies/travellers so that discretion is applied, enabling them to register on the housing waiting list as having a local connection to Tamworth. • Ensure that the application form requires sufficient detail for gypsies/travellers to be identified and correctly prioritised. • Include a gypsy/traveller box in the Diversity page of the form. 	<p>Allocations manager</p>	<ul style="list-style-type: none"> • Applicants that are identified as gypsies/travellers are registered on Tamworth's housing list as having a local connection. • Staff are able to identify gypsies/travellers so the correct priority can be applied to their application 	
<p><u>For all applicants, the housing register and allocated tenants</u></p> <ul style="list-style-type: none"> • Quarterly monitoring and reporting (see below) • Complete annual impact analysis to check profiles against Tamworth population adjusted for known housing need profiles, that no group is being unintentionally disadvantaged and that feedback indicates there are no unintended consequences or inequities 	<p>Allocations manager</p>	<ul style="list-style-type: none"> • Applicants to, and those accepted on the register and allocated tenants match the Tamworth population profile, as adjusted for housing needs intelligence • All housing register applicants are able to bid for properties • Allocations are to those with highest priority amongst bidders • Feedback from applicants and 	

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		other indicates that the process is fair and equitably applied	
Monitoring arrangements: Allocations manager will: <ul style="list-style-type: none"> • Check that all allocations and housing advice staff understand the discretion to be applied to gypsies/travellers • Quarterly checks that applicants identifying themselves as gypsies/travellers have been correctly prioritised • Weekly profile of lettings • Sample checks of applications processed by individual staff members (for quality and accuracy) 		Data collected quarterly <ul style="list-style-type: none"> • Number of gypsy/traveller applicants • Feedback from applicants, and specialist staff in contact with gypsies/travellers • Profile of applicants, housing register and allocations • Void periods and reasons 	
Publication: <ul style="list-style-type: none"> • Annual impact assessment reported and published on Tamworth BC and Finding a Home sites • Profile of lettings published weekly on Finding a Home site • Quarterly statistics and commentary on voids – performance management pack for involved tenants and Members • Annual report to tenants – statistics and commentary on allocations 			
Review Period:	One year from effective date of new Policy	Reviewed 12 monthly unless otherwise stated	12 monthly

Expand as appropriate

Signed
(Completing Officer)..... **Date**

Signed
(Head of Department) **Date**

Signed
Corporate Diversity/ Equality **Date**