

Appendix 3: Equalities Impact Assessment

Department: Regeneration and Major Projects	Person Responsible: Val Barnes
Service Area -: Housing	Timescale for Equality Impact Assessment :
Date:	Completion date: 24 th June 2012
Name of service/policy/procedure/project etc: Brent Tenancy Strategy	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input checked="" type="checkbox"/> Not found <input type="checkbox"/> Found <input checked="" type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities

<p>and Refugees/ Asylum Seekers</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>4. Grounds of faith or belief:</p> <p>Religion/faith including people who do not have a religion</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>5. Grounds of sexual orientation: Lesbian, Gay and bisexual</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>6. Grounds of age: Older people, children and young People</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Consultation conducted</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>Person responsible for arranging the review:</p> <p>Val Barnes</p>	<p>Person responsible for publishing results of Equality Impact Assessment:</p> <p>Val Barnes</p>
<p>Person responsible for monitoring:</p> <p>Laurence Coaker</p>	<p>Date results due to be published and where:</p> <p>To be agreed</p>

Signed:

Date:

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

1. What is the service/policy/procedure/project etc to be assessed?

This predictive Equalities Impact Assessment considers the impact of changes brought about by the Localism Act 2011 which will affect how social housing is developed, allocated and managed.

The consultation paper *Local Decisions; a fairer future for housing* (Nov 2010) sets out a range of reforms to social housing with the aim of giving local authorities the freedom to make better use of the housing stock ensuring that support is focussed and targeted towards meeting need . The reforms include

- The introduction of Affordable Rents allowing registered providers to set rents which are up to 80% of market rents
- A new fixed term (flexible)tenancy which ideally should be five years but can be a minimum of 2 years in exceptional circumstances
- Changes to rules governing succession to tenancies
- Flexibilities which enable local authorities to manage waiting lists to suit the needs of their residents. This can involve for example removal of residents who have little chance of housing or giving additional preference to certain households such as those who are in employment.
- The right to discharge homelessness duties into the private sector without the household's agreement.

It is important to note that these changes do not affect existing tenants, they only affect new tenants and local authorities can choose how far they implement the aforementioned policies.

These reforms have since been enacted thorough the Localism Act (Nov 2011) which places a duty on local authorities to publish a tenancy strategy ,within 1 year of enactment , setting out its Affordable Rent and Flexible Tenancy policies. It also sets out the expectations not only for its own stock but also for registered providers in the area who are required to have regard to it.

In developing the tenancy strategy local authorities are required to consult with Registered Providers in the area and the Mayor of London.

Brent has responded to the freedoms provided by the Localism Act (2011)by developing the following policies which are summarised below

Affordable rent

- To allow Affordable Rent (AR) development in the borough in order to maintain a reasonable level of new supply and to promote a proportionate level of conversion of existing units to provide cross-funding of the development programme in Brent.
- To specify the affordability thresholds to be complied with by providers when setting rents, with exceptions subject to agreement.
- Providers to ensure that the rent for any AR property is at maximum the lower of some or all of the following thresholds, with exceptions being granted by the council in limited circumstances on a scheme-by-scheme basis.

The thresholds are

LHA rates, or 80% of LHA rates

Strict affordability under the Universal Credit (UC) Cap, after taking account of living cost benefits

35% of median earned income

80% of the market rent for the property

Fixed term tenancies / Succession

- To support the general introduction of fixed term tenancies which should normally be 5 years but can be shorter or longer for specified groups / circumstances e.g. a 2 year tenancy could be used to support young people undergoing training or moving into work
- Introductory or starter tenancies of 12 months are introduced for all new tenants, in concert with fixed term tenancies
- To allow only one succession but with discretion to grant further succession in certain circumstances

Waiting List and Allocations

- To restrict access to those with some housing need who are resident in Brent or working in Brent for a defined minimum period or with other significant connections
- To abolish band D of the current Locata banding system
- To give priority to those in low waged employment, and potentially to give these households particular additional priority for Affordable Rent properties

Homelessness

- To discharge the s.193 duty through an offer of suitable accommodation in the private sector as standard, with exceptions limited to those households who are assessed as requiring a high level of support.

These proposed policies are subject to executive approval and members are asked to agree that the final policy be implemented with effect from 1st October allowing time for the council to seek sign off from the Mayor

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

The principal aims of the Tenancy Strategy are to

- Continue to meet existing need through provision of appropriate housing
- Make best use of the existing social stock across all providers
- Make best use of the private rented sector to meet housing need
- Support new housing development in all sectors
- Encourage providers to pay full regard to the affordability of social housing
- Seek to meet need that is currently unmet through a revised approach to allocations and lettings
- Promote a consistent approach to the letting and management of social housing in the borough
- Promote economic and social regeneration and social mobility, particularly through employment.
- Ensure it is transparent, fair and easy to understand

The intention of the Tenancy Strategy is to meet the gap between the need for housing and the supply of social housing whilst addressing unemployment and incentivising work.

The proposed changes seek to alter existing policies summarised below

Rent levels – Affordable rents are now in place, as primary legislation was not required for the change. Prior to this, rents were usually calculated using a combination of individual property values and average earnings in each area.

Consequently social housing rents remain significantly lower than the private rented sector at approximately :-

1 bed -£95 – £100 per week

2 bed - £120 per week

3 bed - £ 137 per week

Fixed term tenancies / Succession – Local authorities and registered providers can grant an introductory tenancy of 1 year followed by a life time tenancy. Brent does not currently grant

introductory tenancies. Before the enactment of the Localism Act 2011, the council did not have the power to grant fixed-term tenancies and, although Registered Providers can grant assured shortholds, the circumstances in which this can be done are limited.

On the death of the tenant the tenancy can be succeeded to not only by a spouse but other members of the family

Waiting list – Brent along with most local authorities operates an open waiting list which in effect means that most households can apply to go on it and no household can be excluded from it. A significant proportion of households who apply for housing are usually placed in Band D as they have little need and no priority for housing whereas households who are homeless or over crowded are considered to have reasonable preference and therefore retain priority for housing.

Currently, local authorities do not have extensive powers to develop local allocations policies which give certain groups additional priority

Discharge of duty into the private rented sector Homeless households who are considered to be homeless and in priority need are entitled to rehousing from the local authority which can either be social housing or with the applicants consent be a home in the private rented sector

3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes, the results are consistent with the council's policy particularly as the council has chosen not to take full advantage of the provisions as outlined in the Localism Act as there would have been far greater impacts for certain protected groups. The policies outlined within the strategy are therefore intended to mitigate any potential impacts and are balanced towards ensuring that housing need is met in a fair, consistent and non discriminatory manner.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

Please see attached Tenancy Strategy Analysis

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc.).

Please see attached Tenancy Strategy Analysis

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

Yes. The council has endeavoured to mitigate the full impacts of the Localism Act through the policies developed as part of the Tenancy Strategy and on the whole this has been successful. However, changes which are outside of the scope of the Tenancy Strategy mean that some households will be disadvantaged. Larger unemployed homeless households which on the whole are from BAME communities will be disadvantaged by the policy to discharge duty into the private

sector due to changes, made by central government, in welfare benefits, universal credit cap, housing benefits and the local housing allowance.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

Extensive public consultation took place between October 2011 and March 2012. It involved

Presentations to

- Brent Housing Partnership Board
- Brent Housing Partnership Area Housing Boards
- Brent Council Area Forums
- Consultative Forums including Brent Disabled Users Forum and Pensioners Forum.

Press articles were placed in the widely distributed Brent Magazine, and Brent Housing Partnership Tenants Magazine

A draft strategy together with a questionnaire was placed on the internet and consultation managed through the consultation team which ensured that members of the citizen's panel were invited to respond

Two consultation events involving a wide range of Registered Providers and Voluntary Organisations were held early this year. Organisations which attended these events are detailed below

Registered Providers

Abbeyfield

Affinity Sutton

Apna Ghar

ASRA Housing Association

Brent Community Housing

Brent Housing Partnership

Catalyst Housing Ltd

Family Mosaic

Genesis Housing Group

Hillside Housing Trust

Home Group

Innisfree Housing Association

L&Q

Lha-ASRA group

Metropolitan Housing Partnership

Metropolitan Housing Trust

Notting Hill Housing Group

Octavia Housing

Odu Dua Housing Association

Origin Housing

St Mungo HA

Shepherds Bush Housing Association

The Hyde Group

Urban & Civic

Partner organisations

Brent CAB

Brent Mencap

Broadway Homeless Support

Corum

Cricklewood Homeless Concern

Job Centre Plus

Kilburn Square Housing Co-Op

LB Brent – Children and Families

LB Brent – Revenue and Benefits

LB Brent – Start team

Reed in Partnership

Homes and Communities Agency

The outcomes from these events can be found in the consultation summary (Appendix 1). We have used the outcomes from the consultation to shape and add weight to the policies outlined within the draft Tenancy Strategy.

Now that the policies are set, subject to executive approval, Brent intends to undertake a further round of targeted consultation which will involve statutory consultees – the Mayor and Registered

Providers, interest groups e.g. Somali Organisations and members of the public.

8. Have you published the results of the consultation, if so where?

Yes the results have been published and distributed to organisations invited to the consultation events. Furthermore we intend to publish the results as part of the final round of consultation as detailed above.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

There is no public concern that the policy is being carried out in a discriminatory fashion. However there is concern regarding the impact on families of discharge of homelessness duty into the private rented sector. This will have the greatest impact on larger households who tend to be from BAME communities.

The significant shortage in supply coupled with pressure of temporary accommodation costs mean that the council has little choice but to pursue this policy. However, the forthcoming universal credit caps, together with changes in local housing allowance mean that it is extremely difficult to find affordable private rented sector housing in Brent. The council will, therefore, be required to find affordable accommodation outside of the borough boundaries. Brent is not unique in this respect as it has already been well documented that other London authorities have approached housing providers across the country to find accommodation for their households in a similar situation. The resultant outcry prompted the government to produce a consultation paper **Homelessness (Suitability of Accommodation) (England) Order 2012** which considered issues such as condition, landlord behaviour, security as well as location. That consultation paper provides the following advice which offers little by way of a solution to this difficulty.

'it is not acceptable for local authorities to make compulsory placements automatically hundreds of miles away without having proper regard for the disruption this may cause to those households

The only way that this concern can be resolved is through changes to Universal Credit and the removal of Local Housing Allowance limits, which is only within the control of central government.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

Yes the action is justified. As previously stated there is a significant shortage of affordable social housing to meet the current demand of approximately 3000 homeless households. Furthermore changes in Housing Benefits and Local Housing Allowance have swiftly resulted in an increase in the number of households approaching and being accepted by Brent as homeless. These issues have led to significant increases in temporary accommodation costs at time when the council is facing budget cuts.

Reducing the waiting list and moving more homeless households into settled homes and out of temporary accommodation are also key reasons for adopting the proposed policy approach. Discharge of duty may have a positive impact insofar as rehousing in the private sector may result in

a home which is more suited to their needs in terms of size, location, employment, schools and support structures and may also have added benefits such as a garden. It will also bring the instability of homelessness to an end sooner. This issue is addressed in more detail in the EIA Analysis and the council will continue to gather information to assess the diversity impacts of this policy.

It is worth noting that last year the council discharged its duty to 106 households via the private rented sector in Brent. This was with their agreement, as required, before the changes were brought into effect by the Localism Act 2011.

11. If the impact cannot be justified, how do you intend to deal with it?

The impact can be justified however at this stage it is worth documenting the activities which Brent is undertaking to mitigate the effects of discharge of duty into the private rented sector.

- The council will endeavour to find affordable private sector accommodation as close to the borough as possible. Brent has successfully procured smaller 1 & 2 bed homes within Brent however, due to affordability, the council has sought to procure larger properties further afield in e.g. Luton, Hemel Hempstead
- Private Housing Services and the Housing Needs Service will ensure that the condition of properties procured meets rigorous standards, assessments will be undertaken to ensure that the landlord is responsible and that forthcoming secondary legislation regarding the suitability of private sector accommodation used to discharge the Council's homelessness duty is complied with.
- Advice and assistance will be provided to aid the smooth transfer of households into the private rented sector

The legislation also requires that the private rented sector tenancy should be granted for at least one year and the household can return to the council for further assistance if they become homeless, through no fault of their own, within 2 years of discharge.

12. What can be done to improve access to/take up of services?

Housing advice and assistance is provided through the Housing Needs service however it is anticipated that the social housing reforms will lead to an increase in demand for their service. The council's Housing Needs service has recently been reorganised and this will enable them to meet this demand.

With regard to statutory homeless - this is a demand led service which is governed by legislation and therefore there is little reason to attempt to increase uptake. Nevertheless the council will review the advice and assistance provided to these households particularly when discharging homelessness duty in the private sector.

13. What is the justification for taking these measures?

Anecdotal evidence suggests that households are not fully aware of these changes. Providing appropriate advice and assistance will enable them to make fully informed decisions regarding their housing futures. Currently this work is undertaken by the Housing Needs Service who will ensure

that advice and assistance is tailored to meet changing demand for this service.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Laurence Coaker and Perry Singh will be responsible for the review and monitoring of the Tenancy Strategy. Monitoring of Housing Needs activities is in place however this will need to be revisited in order to ensure that information regarding all protected groups and impacts of the Tenancy Strategy are fully captured. Furthermore, once implemented, the council intend to undertake a full review of the tenancy strategy and a retrospective equalities impact assessment will form part of this process.

15. What are your recommendations based on the conclusions and comments of this assessment?

None specific however changes and recommendations may arise once the Tenancy Strategy is in operation and a review has taken place.

Should you:

1. Take any immediate action?

Not at this stage however once the Tenancy Strategy is in place there may be a requirement to undertake future actions dependent upon outcomes arising

2. Develop equality objectives and targets based on the conclusions?

The Housing Needs Service currently monitors the diversity profile of its clients however the collection of data needs to be extended to reflect all protected categories. There may also be a need to review the nature of advice and assistance provided to households so that it is tailored to suit their circumstances.

3. Carry out further research?

Not at this stage – on-going monitoring and analysis will enable the council to identify impacts as they arise

16. If equality objectives and targets need to be developed, please list them here.

At this stage no equality objectives need to be developed

17. What will your resource allocation for action comprise of?

none

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please):

Date:

Service Area and position in the council:

Details of others involved in the assessment - auditing team/peer review:

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**