

Appendix 1

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Retendering of the Housing Association Leasing Scheme
DEPARTMENT:	Community Wellbeing
TEAM:	Housing Needs Service
LEAD OFFICER:	Saleema Nuraney
DATE:	14-02-2020

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

This equality analysis is on the retendering of the Housing Association Leasing Scheme as the current contract expired on 1st February 2020. This procurement exercise is designed to retain existing stock and provide a sufficient supply of temporary accommodation (TA) to meet demand from homeless households, to allow the council to move away from the use of expensive and less desirable nightly paid accommodation and to enable the placement of households in or closer to Brent. At the end of January 2020 there were 596 HALS units in use managed by Notting Hill Genesis and Shepherds Bush Housing Association.

The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible, unintentionally homeless and have a priority need for accommodation under Part VII of the Housing Act 1996 (as amended). The HAL Scheme is used to provide temporary accommodation for homeless families.

The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces with high demand being primarily driven by households being evicted from the Private Rented Sector due to affordability. Additionally, the implementation of the Homelessness Reduction Act (HRA) 2017, has led to an increase in the number of households seeking the Council's assistance for housing.

Due to the lack of supply of social housing that is available in Brent, accepted homeless households have to wait for many years in TA before an offer of social housing is available, for example the average waiting time for a 3 bed household is 16 years. The Council has been using the power to meet new demand from homeless households with accommodation in the Private Rented Sector. However, there is an insufficient supply of Private Rented Sector accommodation that is affordable in Brent and, as a result, some accepted homeless households are still placed in temporary accommodation.

With demand from homeless households increasing since the implementation of the Homelessness Reduction Act 2017, the pressure to retain and acquire good quality and affordable TA has also increased.

The Council contracts with the Housing Associations are to source suitable housing for homeless families. The Housing Associations source suitable properties and enter into head leases with the property owners, generally for a 3 year term. The Council is provided with nomination rights in order that the Council can nominate tenants to properties made available by the Housing Associations. The tenants enter into an assured short hold tenancy with the Housing Associations and pay rent (generally via Housing Benefit paid to homeless families). The Housing Associations provide management and maintenance services which are covered by the rent. The Council pays a weekly nomination fee to the relevant Housing Association for each property. There are minimum property standards and furniture standards specified by the Council, and the Housing Associations have to provide a high-quality housing management service. Performance is monitored through performance indicators and regular monitoring meetings.

The principal aim of the HAL scheme is to:

- Continue to meet the housing need for eligible, homeless persons with a priority need for whom the Council has a statutory duty to provide suitable TA under part VII of the Housing Act 1996 (as amended).
- Meet housing need through provision of appropriate affordable housing
- Make best use of leased accommodation to meet housing need
- To specify the affordability thresholds to be complied with by Contractors when setting rents
- Encourage Housing providers to pay full regard to the affordability of TA
- Promote a consistent approach to the letting and management of TA in the borough
- The intention of the HAL scheme is to meet the gap between the need for housing and the supply of affordable temporary accommodation.

2. Who may be affected by this policy or proposal?

The policy will directly benefit homeless families who have approached the Council and are eligible for suitable accommodation. The families are from various ethnic backgrounds and include those who may not have English as their first language as well as those who do.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

Eliminate discrimination (including indirect discrimination), harassment and victimisation;

The council will allocate TA in line with Brent's TA Placement Policy which will ensure that everyone's housing need is met in a fair, consistent and non-discriminatory manner.

The specification of the HALS contract will ensure that properties procured by Contractors will meet rigorous standards, including adhering to the "minimum property standard" as defined in the HALS specification. This specifies the standards each property must meet before they can be accepted for the HALS scheme. The

Contractor should ensure (amongst other things) that all safety certificates are valid for the property, that the property has buildings insurance that the property adheres to current fire regulations.

The specification also includes Brent's commitment to Equality and Diversity in Procurement and states clearly the commitment we expect from Provider to promote equality and diversity, taking into account the needs of the people protected under the Equality Act 2010 in respect of the Protected Characteristics.

Advice and assistance will be provided by the Council in the event of any queries or complaints with regards to Provider conduct.

Once clients are accepted under the Housing Act 96, they are allocated a Housing Resolutions Officer (HRO). The HRO acts as the client's caseworker and assists with undertaking reviews on the suitability of the TA offer (should the client feel the accommodation is not suitable, the Reviews would investigate the merits of the suitability review) , fear of violence investigations and works with accommodation providers and other agencies to resolve complaints and tenancy support issues including claims of harassment or discrimination.

As part of the tender process, we will also be asking Bidders to demonstrate how effectively they deal with tenancy and housing management issues e.g. dealing with complaints of anti-social behaviour (including discrimination, victimisation and harassment) and actions taken to resolve the situation or to mitigate the impact on the client. Providers are also contractually required to have a complaints procedure to prevent unlawful discrimination and to promote equal opportunities for everyone; Bidders also need to ensure that all staff should be CRB checked .

As part of their tender response, each provider is asked to submit a welcome pack. This outlines all the information a tenant will require not only about their new home, local area and amenities but also information about the Provider. It should include their equal opportunities policy and how to make a complaint if a tenant feels they have been treated unfairly. Bidders will be required to provide this in a range of formats to meet the individual's communication needs.

There will be a requirement for Bidders to demonstrate their commitment to our Equality and Diversity Policy by ensuring that their services are accessible to all users and take into account service user's individual needs. This includes using sign language or translation services, using large print or Braille, ensuring they have hearing loops for hearing impaired customers and ensuring their offices are accessible to wheelchair users. This will be monitored as part of the monthly performance indicators.

Bidders will also be required to ensure that there are appropriate systems in place to ensure that the communication needs of service users are reflected on systems which may relate to maintenance so that contractors are made aware.

During the tender process, Bidders will be evaluated on both procurement and tenancy management issues. This includes how their company policies and procedures deal with complaints of harassment and nuisance (this includes sexual, racial and transphobic harassment , domestic abuse, anti-social behaviour and homophobia). The number of complaints is also one of the performance indicators upon which their performance is regularly monitored. All complaints of harassment would be dealt with by the Provider in the first instance in line with their company's complaints procedure. If the client is not satisfied with the outcome, they can contact their caseworker at Brent Council. Providers are also contractually

required to have a complaints procedure to prevent unlawful discrimination and to promote equal opportunities for everyone.

Regular performance monitoring allows the Council to ensure there is a consistent approach to complaints and that the housing need is being provided with a caring and responsive approach with regards to complaints of harassment.

Advance equality of opportunity;

Clients with learning disabilities, mental health issues, sensory or physical impairment are also able to access floating support either through a self-referral or through a referral from the Council or the Housing Association.

Support is also provided by Families Floating Support Service who provide support to families with housing related needs. They are able to arrange interpreters where necessary and help clients liaise with various services e.g. mental health services, hospitals, GP, social services and schools. They work closely with other agencies such as Look Ahead who deal with people with physical or learning difficulties, Elders Voice who deal with elderly applicants, Sanctuary who deal with victims of domestic abuse, Thames Reach who provide floating support for applicants with mental health issues. Whilst this list is not exhaustive, access to these services ensures a sensitive and responsive approach is taken with regard to meeting their housing needs and ensure equal access.

Regular performance monitoring will enable the Council to ensure there is a consistent approach to complaints and that the housing need is being provided with a caring and responsive approach with regards to complaints of harassment, discrimination or victimisation.

The Service will facilitate better monitoring of families who are housed through this scheme by ensuring that protected characteristics are captured by all staff via the current monitoring mechanisms currently in place.

4. Please indicate with an “X” the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	IMPACT		
	Positive	Neutral/None	Negative
Age		X	
Sex		X	
Race	x		
Disability		X	
Sexual orientation		X	
Gender reassignment		x	
Religion or belief		x	
Pregnancy or maternity	x		

Marriage		x	
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5. Please complete **each row** of the checklist with an “X”.

SCREENING CHECKLIST		
	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	x	
Does the policy or proposal relate to an area with known inequalities?	x	
Would the policy or proposal change or remove services used by vulnerable groups of people?	x	
Has the potential for negative or positive equality impacts been identified with this policy or proposal?	x	
If you have answered YES to ANY of the above, then proceed to section B. If you have answered NO to ALL of the above, then proceed straight to section D.		

SECTION B – IMPACTS ANALYSIS

1. Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

The information used for this analysis is taken from the Housing Northgate database as at January 2020 and consists of households currently residing in HALS accommodation.

2. For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

AGE	
Details of impacts identified	Households will not be discriminated against because of their age. Analysis indicates that there will be a positive impact on clients aged between 30-59 as they currently make up 87% of households in TA. This is the most significant group of people who are positively impacted in relation to families with children.
DISABILITY	
Details of impacts identified	<p>Households will not be discriminated against because of their disability. The provision of accommodation is based on client need. Where adapted or single level accommodation is required, Providers are informed to procure suitable accommodation. Due to the shortage of adapted properties, preference is given to households who require properties that have been adapted or developed for people with a disability. Analysis indicates there have been 3 households who have been accommodated in adapted properties.</p> <p>Applicants who have an illness or disability are required to complete a medical form and include as much detail as possible to enable an accurate assessment. Medical priority is awarded following an assessment and recommendation from the Council’s District Medical Officer (DMO). The DMOs recommendations are always taken into consideration before an offer of TA is made to the applicant. If the DMO has made a recommendation for a specific type of property e.g. ground floor or single level access accommodation but where none is available, accommodation with downstairs facilities are sought to meet the applicant’s housing need. This flexible approach is adopted largely due to the difficulties in procuring adapted properties to meet the needs of disabled applicants.</p> <p>Part of the tender evaluation will assess how Housing Associations ensure disabled clients are able to access service provision effectively. In the past, they have conducted customer surveys to identify language and accessibility needs of all tenants to establish communication needs. When clients are nominated to TA, the Housing Association is</p>

	<p>also given detailed information on the family with regards to any disabilities to ensure they have made suitable arrangements e.g. providing the welcome pack in braille for those who are visually impaired and to ensure the accommodation provided is suitable for the household's needs.</p> <p>Clients with learning disabilities, mental health issues, sensory or physical impairment are also able to access floating support either through a self-referral or through a referral from the Council or the Housing Association. All referrals are submitted to Thames Reach who would identify their support needs and assist directly or refer to relevant organisation.</p> <p>Support is also provided by Families Floating Support Service who provide support to families with housing related needs. The types of support offered are :</p> <ol style="list-style-type: none"> 1. helping families to access appropriate welfare benefits 2. helping people into education, training and employment 3. support with finding debt-cancelling agencies where applicable 4. support with finding appropriate agencies for physical and mental health needs 5. helping families to keep tenancies and prevent repeated homelessness 6. helping families reintegrate into the community 7. supporting people experiencing domestic violence 8. supporting families with social/cultural issues <p>They are also able to arrange interpreters where necessary and help clients liaise with various service e.g. mental health services, hospitals, GP, social services and schools to name a few.</p>
RACE	
Details of impacts identified	<p>A sensitive and flexible approach to meeting clients' housing need is taken to ensure adequate and suitable provision is made. People from black and minority ethnic communities are also more likely to be impacted because they are over-represented among homeless acceptances (compared to the general population).</p> <p>The majority of households who access TA are from BAME households and are therefore positively impacted (specifically the Black African</p>

	community). There are 44% of households in TA from the Black community (African, Caribbean, Somalian, Other), 11% are from the White community (Irish, UK, Other) and 17% are from the Asian community (Indian, Pakistani, Chinese, Other).
SEX	
Details of impacts identified	The provision of accommodation through the HAL scheme will have a positive impact on both men and women , although it can be noted that 67% of households in TA are headed by women.
SEXUAL ORIENTATION	
Details of impacts identified	Unfortunately there is insufficient data on this protected characteristic due to a lack of responses by clients. However, households will not be discriminated against this characteristic.
PREGANCY AND MATERNITY	
Details of impacts identified	There will be a positive impact on households with children or pregnant mothers as only eligible families with children can access this service. Pregnancy is also classified as a priority need when determining if a household is eligible for assistance under the Housing Act 96 (as amended).
RELIGION OR BELIEF	
Details of impacts identified	Unfortunately, there is insufficient data on this protected characteristic to undertake an effective analysis. Households will not be discriminated against this characteristic.
GENDER REASSIGNMENT	
Details of impacts identified	Unfortunately, there is insufficient data on this protected characteristic to undertake an effective analysis. Households will not be discriminated against this characteristic.
MARRIAGE & CIVIL PARTNERSHIP	

Details of impacts identified	This service is accessible to families with children and households will not be discriminated against this characteristic. Analysis indicates there are currently 37% of households in HALS accommodation who are married .
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3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

No

4. Were the participants in any engagement initiatives representative of the people who will be affected by your proposal and is further engagement required?

N/A

5. Please detail any areas identified as requiring further data or detailed analysis.

N/A

6. If, following your action plan, negative impacts will or may remain, please explain how these can be justified?

N/A

7. Outline how you will monitor the actual, ongoing impact of the policy or proposal?

There will be on-going performance monitoring via quarterly contract meetings held with the Providers and by reviewing their KPIs which are submitted on a monthly basis. The number of complaints will also be used as a monitoring mechanism to ensure customers have been treated fairly and have not experienced discrimination on the basis of any of the protected characteristics.

Regular performance monitoring will ensure that the scheme does not operate in a manner that disadvantages or discriminates against any particular group.

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

Overall the policy is intended to ensure availability of enough suitable accommodation for homeless households to allow the council to meet its duties at a cost that it can sustain and which are affordable to homeless households, against the background of an increasingly difficult market, marked by rapid increases in rent costs.

The policy is also intended to provide more certain and sustainable outcomes for homeless households and enable them to be accommodated within Brent. The offer of a temporary accommodation will mean that households can move into more settled accommodation that is affordable, enabling them to settle in a neighbourhood, engage with local services and opportunities and plan their futures with more certainty.

No negative impacts have been identified. The positive equality impacts which have been identified will remain due to the eligibility criteria of the households who can access the service.

Brent Council is committed to the principle of equal opportunities in the delivery of all of its services and will seek to ensure that the HAL scheme is applied in a manner that is fair to all sections of the community regardless of their protected characteristic.

Brent Council and its partners will be responsive, accessible and sensitive to the needs of all applicants. They will not tolerate prejudice and discrimination and will actively promote equality.

The contract terms will ensure applicants placed by the Council receive the best possible service in accordance with their individual needs and requirements and there is a clear understanding of the relationship between the Council and the Provider.

The tender process will also include method statements which allow the panel to assess how well the Provider is able to meet our clients' needs. Bidders are required to demonstrate their experience by providing examples of how they will deal with tenancy and housing management issues. The panel will also be assessing Providers to ensure their staff are CRB checked.

The Council will allocate TA in line with Brent's TA Placement Policy which will ensure that everyone's housing need is met in a fair, consistent and non-discriminatory manner.

The specification of the HALS contract will ensure that properties procured by Contractors will meet rigorous standards, including adhering to the "minimum property standard" as defined in the HALS specification.

The specification also includes Brent's commitment to Equality and Diversity in Procurement and states clearly the commitment we expect from Providers to promote equality and diversity, taking into account the needs of the people protected under the Equality Act 2010.

SECTION D – RESULT

Please select one of the following options. Mark with an "X".

