

Equality Impact Assessment (EIA): Review of Allocations Policy

Name (Key Officer/Author):	Julie Sharland	Business Unit:	Housing/ Children's Services
Position:	Strategic Housing Manager	Tel:	01803 208065
Date:	9 th December 2013	Email:	Julie.sharland@torbay.gov.uk

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Executive Lead / Head Sign off:

Executive Lead(s)	Councillor David Thomas	Executive Head:	Richard Williams Director Children's Services
Date:	6th February 2014	Date:	6th February 2014

Relevance Test – 'A Proportionate Approach'

Not all of the proposals or strategies we put forward will be 'relevant' in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer 'yes' to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Yes	N <input type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, 'knock-on' effects for other business units, our reputation, finances, legal obligations or service provision) 	Yes Yes Yes	N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	<p>Clearly set out the proposal and what is the intended outcome?</p>	<p>Torbay Council is required to review the Allocations Policy on an annual basis. (How access and priority for social housing is applied) It is a statutory duty to maintain a housing register and allocations policy.</p> <p>The Localism Act 2011 introduced changes in relation to both homelessness and allocations, which mean local authorities are no longer required to keep an open housing register, but, are able to restrict access to their register for social housing. In Torbay we have an average of only 350 – 370 homes available for re-let per year. At least a third of these are Sheltered homes for those aged 55 and over.</p> <p>We are seeing an increasing demand in the use of emergency/temporary accommodation and high cost adult and children’s social care intervention services provided by the authority. This combined with the need to achieve significant budget savings, has led the Mayor, Executive Lead and members to request a further review to ensure that we are providing the best opportunities for local residents and making the most appropriate use of our social housing stock. Our approach should reflect local circumstances that are understood by local people.</p>
2.	<p>Who is intended to benefit / who will be affected?</p>	<p>Local people who have lived in Torbay for at least 5 years will benefit from the proposals. In addition those who have a strong association to the area through family or employment will benefit.</p> <p>Local working people on a low income will be given additional priority, particularly in areas of high density social housing and new developments.</p> <p>Households on the current housing register that have, been assessed as having no housing need, (Band E) or either not bid in the last in the last 12 months and refused 3 reasonable offers of a property will be removed from the register .</p> <p>It is important to work in partnership with our Registered providers to minimise the impacts of turnover and voids within stock as a result of local and national policy changes.</p>

Section 2: Equalities, consultation and engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **equalities, consultation and engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, consultation and engagement

No	Question	Details
3.	Have you considered the available evidence?	Yes , Housing Register information which provides information on demand needs of different groups, deprivation and child poverty needs assessments and child poverty commission recommendations, homeless strategy needs and priorities. Satisfaction surveys conducted on a regular basis for Devon Home Choice.
4.	Have you consulted on the proposal?	Yes - Formal consultation for 6 weeks with the public and partners. Survey and letter, partnership groups. Specific consultation with those on the housing register likely to be affected.
5.	Outline the key findings	<p>Six week consultation by online survey took place 9th Dec to 17th Jan. All of those Households most affected by the proposals (Band E) were contacted by letter, together with 10% random selection across other Bands. In total 1800 letters were sent, the total number of completed questionnaires both online and paper is 48. The survey information was made publically available and partner organisations were contacted. The information / survey details were also circulated via the Torbay Housing Partnership group.</p> <ul style="list-style-type: none"> • 52% all respondents answered “No” to the proposal to apply a minimum 5-year residency requirement. • Almost a third (29.2%) answered “No” to proposal 2 (the removal of those who had not bid on any properties for a year) • and nearly a quarter (22.9%) answered “No” to proposal 3 (the removal of those who had refused three reasonable offers of a home);

No	Question	Details
		<ul style="list-style-type: none"> • Two thirds of all respondents (67%) answered “No” to proposal 4 to removal from the list of all persons/households now in Band E), (52.1% and 66.7% respectively); • Those saying “No” were just slightly over a fifth (20.8%) giving greater priority on the list to low income households, <p>Please refer to consultation report for full details</p>
6.	<p>What amendments may be required as a result of the consultation?</p>	<p><i>In addition to the 5 year residency test proposed other qualification criteria will apply to ensure that applicants who are not currently resident in the district/ area but who can still demonstrate a strong association to the local area will be able to qualify (e.g. through family association or employment).</i></p> <p><i>This is defined as;</i></p> <p><i>Need to work in Devon. The Local Government Association guidelines define this as</i> employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.</p> <p>Have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and nondependent children) who have themselves lived in the area for five years.</p> <p>To ensure we maintain the protection provided by the statutory reasonable preference criteria and the statutory guidance Exceptions to the 5 year residency test will be;</p> <ul style="list-style-type: none"> • Existing Social housing tenants, in Devon. (to promote downsizing) • Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge • Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner • Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service • People who are assessed as being within the reasonable preference categories – Bands A , B , Emergency and High Housing Need, as per the DHC Policy. (This includes those fleeing violence and Statutorily Homeless) • Applicants requiring Sheltered Housing (represents 1/3 rd of all annual lets)

No	Question	Details

Positive and negative equality impacts

No	Question	Details		
7.	Identify the potential positive and negative impacts on specific groups	<p><i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why. EVERY BOX MUST BE COMPLETED – if there is no impact please state either ‘No Positive Impact’ or ‘No Negative Impact’.</i></p>		
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	<p>Yes While social housing build has slowed additional units of extra are housing for older people will be developed over the next three years going some way towards meeting the care and support needs of frail older people.</p>		<p>The Council acknowledges that landlords will continue to offer a range of tenancy types for different circumstances. However, the Council’s tenancy strategy strongly encourages landlords to offer flexible tenancies where this will help to make best use of the stock. In addition, when deciding on which tenancy type to offer, landlords should consider: The age and frailty of the prospective tenant.</p> <p>The existing policy applies the Government bedroom standard for assessing bedroom need. This will mean that:</p> <ul style="list-style-type: none"> • Children can share a bedroom up until 10 regardless of sex • Same sex children can share a bedroom up to 20 • People require their own room when they are 21

No	Question	Details	
	People with caring Responsibilities		<p>Existing policy and tenancy strategy, ensure that appropriate priority is given to support carers</p> <p>Foster carers are allocated an extra bedroom when appropriate to met the Fostering requirements</p>
	People with a disability	<p>Yes</p> <p>Whilst offering choice to applicants wherever possible, allocation schemes must still ensure that reasonable preference is given to applicants who fall into these groups over those who do not: People who need to move on medical or welfare grounds including a disability.</p>	<p>Existing policy and tenancy strategy, ensure that appropriate priority is given to those with a disability.</p> <ul style="list-style-type: none"> - Accessible homes will continue to be advertised through Devon Home Choice and will only be let using direct match in exceptional circumstances. - An applicant's accessibility need will be included in both the initial registration and the renewal letter, with a request that applicants make contact if they feel this is wrong. - Supporting information will be required before any applicant is assessed as being in need of wheelchair accessible or part wheelchair accessible accommodation. - All landlords maintain an up-to-date record of accessible/ adapted properties (and those that are adaptable), and report back to the Management Board on progress with this. Where an up-to-date database isn't available landlords will undertake a pre-void inspection before properties are advertised. - The property advert includes details(e.g. to clarify the bathing facilities, whether there is a stair lift etc) - At the point where a local authority

No	Question	Details	
			sets an advert as 'Ready to advertise' they can indicate whether they would like to be consulted before an accessible/ adapted property is let. Please note that it was agreed that this is only a request to be consulted and that short listing remains the responsibility of the landlord.
	Women or men	<p>Yes</p> <p>The existing Devon Home Choice scheme/ policy provides additional preference to the following categories of people who fall within one or more of the reasonable preference categories and who have urgent housing needs:</p> <ul style="list-style-type: none"> (a) former members of the Armed Forces (b) serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner 	

No	Question	Details	
		(d) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service	
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	<p>Behaviour is unacceptable if it is behaviour that would, if the applicant had been a secure tenant, allow the housing authority to obtain an outright possession order under section 84 of the Housing Act 1985 in relation to Grounds in Part 1 of Schedule 2 other than Ground 8.</p> <p>Cases will be considered on an individual basis. The following criteria will be applied in determining whether an individual or household should be denied the right to register with Devon Home Choice, because of their behaviour: There must be reliable evidence of violent or anti-social behaviour, domestic, racist or homophobic abuse</p>	The Localism Act does not change the fact however that certain people from abroad with limited rights to remain in the United Kingdom are not eligible to be allocated social housing. These groups of people are set out in 'The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006' (as amended).
	Religion or belief (including lack of belief)		
	People who are lesbian, gay or bisexual	The following criteria will be applied in determining whether an individual	

No	Question	Details	
		or household should be denied the right to register with Devon Home Choice, because of their behaviour: There must be reliable evidence of violent or anti-social behaviour, domestic, racist or homophobic abuse	
	People who are transgendered		There is no impact on people who are transgendered with regard to this decision.
	People who are in a marriage or civil partnership		There is no impact on people who are transgendered with regard to this decision.
	Women who are pregnant / on maternity leave	Households who need to move to larger accommodation to become foster carers or adopt will have their applications placed in Band B under 'Supporting another priority service' subject to procedures being agreed with Social Services	
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Yes the new proposals support those working on low incomes and will contribute to sustainable communities in areas of deprivation.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Yes The policy will contribute to increasing community sustainability and therefore build on community resilience regarding early help/ prevention.	
8.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	<p><i>Are any cumulative impacts identified across your service area from proposals in other departments OR from other service areas? Please explain what these might be (you may need to revisit this section once proposals have been further defined)</i></p> <p>Across the Devon Home Choice partnership, various individual local authorities are consulting on applying local flexibilities, at this time it is not clear how this will impact on the long term stability of the Partnership as to</p>	

No	Question	Details
		whether the existing scheme can accommodate the local changes in policy. This could result in a cost to the Council in relation to providing a suitable IT data base to hold the Housing Register information for Torbay only. Exact costs/ contingency arrangements are not known at this stage of the consultation
8b	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	<i>Are any cumulative impacts identified across your service area from proposals in other public services or partner organisations? Please explain what these might be (you may need to revisit this section once proposals have been further defined)</i> As above

Section 3: Mitigating action

No	Action	Details		
9.	Summarise any negative impacts and how these will be managed?	Proposal	Implications/ impacts	Mitigation
		Removing Band E from the Register	Only those with an established housing need in terms of the policy would be able to register for social housing. There were 1,519 households on the register as of 1 October 2013 with no housing need.	All applicants to be contacted and offered advice and assistance on other housing options including registering with South West homes /private rented accommodation/shared equity.
		Removing applicants who have not bid for 12 months, or turned down three reasonable offers. This will be applied as of 1 st April 2014.	For some assessed housing need a suitable property may not be available within a 12 month period. It is common practice for people purchasing homes to view multiple homes without penalty, so why should applicants be treated any differently.	Any applicant has the right to a review of the decision to remove them from the register. This gives a realistic message about the limited choice, available within the Social housing stock in Torbay.
		A 5 year residency test will be applied as part of the	The Torbay register is no longer an open register,	The additional qualifying criteria and exceptions

			qualification criteria	and people who do not meet the new qualifying criteria will be restricted from joining the Register	proposed will enable a range of people to register to meet the types of lets available. It will also ensure that the LA is able to support movement within the stock and keep to a minimum the use of Temporary Accommodation.	
--	--	--	------------------------	---	--	--

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	A new recommendation is the implementation of a Annual Lettings Plan that will monitor location of lets, types and length of tenancies and transfers. This will enable lettings plans for new developments and identified specific areas to achieve a different distribution of properties across priority bands, ensuring an appropriate movement of households across the housing stock and a sustainable mix of household incomes.

Section 5: Recommended course of action

No	Action	Outcome	Tick	Reasons/justification for recommended action
11.	<p>State a recommended course of action Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes and justify the reasons for your decision</p>	<p>Outcome 1: No major change required - EIA <i>has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken</i></p>	✓	
		<p>Outcome 2: Adjustments to remove barriers – <i>Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality</i></p>	√	Please refer to table above no 9
		<p>Outcome 3: Continue with proposal - Despite <i>having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</i></p>		
		<p>Outcome 4: Stop and rethink – EIA has <i>identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified</i></p>		