

HDC Due Regard (Equality Analysis) Template

Due Regard (Equality Analysis) is an on-going proactive process which requires us to consider the effect our decisions are likely to have on local communities, service users and employees, particularly those most vulnerable and at risk of disadvantage.

This template has been designed to assist in the collation of information and evidence required to support the 'Due Regard' process when introducing new policies/procedures/functions and services or reviewing existing ones.

For help with this template please view the guidance document, which contains advice to assist you when you are considering the impact (both positive and negative) of the proposed actions on each of the protected equality characteristics.

Name of policy/procedure/function/service being analysed: Housing Allocations Policy

Department and section: Housing Services

Name of lead officer: Ann Ball, Housing Services Manager

Other people involved (assisting or reviewing – including any service users or stakeholder groups etc.): S Farrow (Consultant)

Date assessment completed: 24th November 2016 and updated 22nd February 2017 (in light of consultation)

Step 1: Defining the policy/procedure/function/service

Is this a new, amended or reviewed policy? What are the aims, objectives and purpose and how will they be achieved? What are the main activities and which communities are likely to be affected by these activities? What are the expected outcomes?

This is a proposed revision to an existing policy.

The Council is required under section 167 of the Housing Act 1996 to produce a Housing Allocation Scheme (also known as a policy). The requirements of the policy are set out in Part VI Housing Act 1996 (as amended by the Homelessness Act 2002 and Localism Act 2011) giving reasonable preference to those applicants defined by the 1996 Act.

The Department for Communities and Local Government has published a new code of guidance, 'Allocation of Accommodation: guidance for local housing authorities in England' which has been considered as part of this Equality Impact Assessment.

The Guidance, which came into force on 29th June 2012, sets out the new freedoms in the Localism Act (2011), which are intended to allow councils to better manage their registers and to promote mobility for existing social tenants, encourage work and mobility, and to tailor their allocation priorities

to meet local housing needs and local circumstances.

The Council does not hold its own stock of housing and, as demand for secure affordable housing in the Harborough District outweighs the supply, the Council works closely with a number of Registered Social Providers in order to maximise the supply of affordable housing in the district. The Registered Providers have joined a common housing register maintained by the council and abide by a common Allocation Scheme which determines how the majority of their vacant properties are allocated. The Council is committed to offering choice to all applicants seeking housing and has sought to achieve this by introducing a Choice Based Lettings Scheme (known as Harborough Home Search) during 2000 whereby people on the housing register can express an interest (bid) for vacant homes (subject to them meeting the eligibility criteria in the property advert).

The purpose of the Allocations Policy is to specify who is eligible to join the housing register (and therefore bid for properties advertised on Harborough Homesearch) and also to detail who should be given priority when shortlisting applicants for vacant homes.

The objectives of the policy are:

- To meet the legal requirements for the allocation of affordable housing under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- To ensure appropriate levels of priority are afforded to home seekers
- To ensure priority status on the scheme for home seekers with an urgent housing need
- To offer as much choice to and housing options advice to home seekers as is reasonably possible
- To let properties in a fair and transparent way
- To support and assist vulnerable home seekers so that they are able to actively participate in Harborough Home Search
- To provide feedback to home seekers about homes let through Harborough Home Search
- To encourage and support sustainable communities and social inclusion
- To ensure home seekers are treated fairly, individually and in accordance with the commitment to Equality and Diversity.
- To make best use of affordable housing, to meet the needs of the local community.
- To enable vacant properties to be let as quickly as possible

The main changes to the policy are:

- Strengthening the local connection criteria, ensuring applicants have a strong connection with the district
- Ensuring applicants are regularly re-paying any housing related debts they have, before accepting them onto the housing register
- Changing the bidding rules when the time limit in High or Priority housing need band expires
- Restricting applications to join the housing register to only those in housing need
- Reviewing the income, capital and savings levels applied when assessing housing applications
- To no longer alternate allocations for general needs properties between new applicants and those requesting a transfer - equal preference will be given to new and transfer applicants. This will ensure that properties are let to those in greatest need.
- Removing applicants from the housing register if they fail to bid for suitable sized properties

The purpose of these proposed changes is to ensure that the Housing Register only reflects those in genuine housing need and for whom secure affordable accommodation is limited. Those who would not be eligible for social housing (e.g. due to existing debt or those who have the financial means for alternative accommodation) would not be placed on the register – this would make their position clear to them and will also ensure that the Council's existing resources are focussed on those who are most in need and those for whom the council has a duty to.

Also by changing the bidding rules regarding those in 'Priority' Band (e.g. those assessed as homeless), the applicants will still be able to have choice, however the changes will enable the Council to discharge its statutory duty at the earliest opportunity. This may also assist in minimising time spent in temporary accommodation (which may be a cost to the authority).

Step 2: Data collection & evidence

What relevant evidence, research, data and other information do you have and is there any further research, data or evidence you need to fill any gaps in your understanding of the potential or known affects of the policy on different communities? Include quantitative data as well as qualitative intelligence such as community input and advice.

There are currently approximately 1,135 applicants on the Housing Register (as of January 2017). Information in respect of their age, gender, sexual orientation, religion and belief, disability and ethnicity is maintained (where this has been volunteered by the applicant as declaration is voluntary) – Appendix A¹ outlines a breakdown of this statistical data.

When considering the consultation responses, this analysis was examined to ensure that the consultees were representative of the applicants on the register i.e. characteristics of consultees responding was found to be proportional to key characteristics of applicants.

When applying an allowed variance of 5%, the only key characteristics flagged up as not directly proportional were:

Age:- categories '18-24', '40-54' and '75+'

Religion: - categories 'Christian' & also 'No Religion'.

However when comparing the trends of responses to those on the register for these categories, the responses were still found to be representative. E.g. The majority religion for both responses and applicants on the register was 'Christian' etc.

Of the 1,135 applicants currently on the register, 21 (1.85%) would potentially be affected by the change in local connection criteria as they had only lived in the district for 6 of the previous 12 months. However it may be that they would still qualify under the other criteria e.g. having relations residing in the district etc.

Regarding applicants with housing related debts, in the previous 12 months 11 applicants have been advised they do not qualify to join the housing register because they had a housing debt greater than £300 and no payment plan in place. This would not change as although the amount would no

¹ Appendix A – "Register v Consultation"

longer be a barrier, the lack of payment plan would still prevent them from being accepted on to the register.

There are currently 61 applications in High Band many of whom are competing for the same properties. Of these 61 applications, 14 (22.95%) are applicants who have had two or more similar 'Medium' needs duplicated to increase their assessment into a 'High' band. I.e. 23% of those in 'High' Band do not actually have 'High' need – they just have a multiple of 'Medium' need. By implementing the proposed change, this will ensure that those with a genuine 'High' need are given priority over those who have several, but similar, 'Medium' needs.

Regarding the 'Low' band, there are currently 560 applicants on the register who are in the Low band (which equates to approximately 50% of the register). 193 (34.5%) of these applicants are not in any medical or welfare need but are merely looking for a like for like transfer. In addition, a further 357 (63.75%) of those in 'Low' Band are applicants who are private tenants or tied tenants who are adequately housed with no significant medical/welfare or exceptional need to move. Therefore it can be seen that almost 50% of the Housing Register is made up of applicants who are not in housing need. Maintaining the Housing Register incurs resources which could be utilised elsewhere, to better effect, assisting those in genuine need. However, when consulted, 65.52% of consultees disagreed with the proposal to no longer accept applicants if they are unable to demonstrate a housing need.

Another proposed change that generated disagreement was that regarding sanctioning those who had not bid within the previous 12 months. 29 consultees responded to the survey with 55.17% disagreeing with the proposal and a further 2 letters and an email were also received disagreeing to the change. As a result, an analysis of those who had not bid within the previous 12 months was undertaken to determine if there were any significant groups with protected characteristics, disproportionate to the applicants on the register (see Appendix B)². This analysis revealed that the percentage of non-bidders per protected characteristic (where information was held) was representative of the make-up of the Housing Register with the exception of one category: Those aged 60-74 years. 15.24% of those on the register are aged 60-74 years old, yet 72.2% of all non-bidders fall into this age category. As a result of this finding, a sample of non-bidders from this category was telephoned to determine the reason for the lack of bids and identify any potential barriers. In all cases (and including in the circumstances contained in the 3 written responses to the consultation) the applicants were adequately and happily housed but they had joined the register "in case" their circumstances changed. These findings supported the anecdotal view that most non-bidders are people who are adequately housed but who are safeguarding against future potential need. This is unnecessary as the Policy is based on assessing applicants according to their need. Each live application to the register is a cost to the council and 319 applicants would currently be affected by this change which would equate to 33% of the housing register.

Step 3: Consultation and involvement

Have you consulted and if so outline what you did and who you consulted with and why.

Although the changes are minor amendments to an existing policy, consultation did take place over a period of 6 weeks from 5th December 2016 to 8th January 2017. Regarding stakeholders, consultation was predominantly an on-line questionnaire which was widely publicised via:-

- A press release prior to the start of the consultation period which was also reissued as a reminder towards the end of the period
- All existing applicants on the register (and those applying during the consultation period) received a letter informing them of the review and inviting

² APPENDIX B – Analysis of Non-Bidders

them to take part in the consultation

- Posters advertising the review

In addition to the on-line survey, paper copies were available from Customer Services, The Symington Building and also, stakeholders could write in with their comments, of which 3 people did.

The Portfolio Holder responsible for the Housing Service area was consulted at every stage of the review.

Workshops and focus groups were held with all Housing Options staff and Registered Providers were invited to a discussion forum held on 1st December.

Other stakeholders, including partner agencies, all Registered Providers, neighbouring councils and colleagues in other departments were contacted and invited to complete the on-line questionnaire.

Finally, Diversity Groups were contacted with an offer to attend one of their meetings to discuss the proposed changes; however none of the groups accepted this invitation.

In total, 29 people completed the questionnaire and a further 3 people wrote in with comments. The results of the consultation were as follows:-

- 75% of respondents agreed with the proposed changes to the Local Connection criteria (The Harborough District Council Portfolio Holder for Housing and Community Safety requested this proposal as Councillors want to include a 2 years residence criteria as one of the Local connection criteria. This has already been adopted by Leicester City, and Oadby & Wigston Borough Council.)
- Regarding amending the rules on previous Housing –related debt, 96.55% agreed.
- 89.66% agreed with the proposal to no longer combine housing needs that effectively amount to the same need
- Regarding 'High' band applicants - proposing that, at the end of the 16 weeks, the application is moved into the 'Low' band until the applicant has updated their application with any change in circumstance - 85.71% of all those responding, agreed (It should be noted that this is a procedural change rather than a policy change as the 16 week period remains unchanged).
- The same % (85.71%) also agreed to the proposed change that where a Registered Provider has made a 'Priority' applicant an offer of tenancy during the 8 weeks, Harborough District Council will consider it's duty discharged
- Regarding unintentionally homeless applicants in 'Priority', 82.76% of consultees agreed with the proposal that Harborough District Council should bid on their behalf from week 9 onwards
- 65.52% of consultees disagreed with the proposal to no longer accept applicants if they are unable to demonstrate housing need.

In respect of non-bidders, the proposal to cancel the application and restrict the applicant from re-applying for six months unless exceptional circumstances can be demonstrated was one change that generated more disagreement than agreement. Of the survey responders, 55.17% disagreed with this proposal, as did the 3 consultees who wrote in. As a result of this, further data analysis was undertaken with regards to non-bidders (see Section 2) and a sample of known non-bidders were telephoned to determine if there were any barriers which prevented them from

bidding. In each case (both in respect of the 3 consultees who wrote in and also those who took part in the telephone survey) it was determined that they had only registered in case they might need housing in the future but were not bidding as they were currently adequately and happily housed. On responding to these, they were reassured that the policy primarily takes housing need into account and is the overriding factor when prioritising applications and shortlisting bids – length of time on the register is a secondary factor often not considered.

Step 4: Potential impact

Considering the evidence from the data collection and feedback from consultation, which communities will be affected and what barriers may these individuals or groups face in relation to Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, Sexual Orientation, Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities and also the potential impact on Community Cohesion. Remember people have multiple characteristics so the impact of a policy on a particular community may impact people within the community differently. Where possible include numbers likely to be affected.

The purpose of the Allocations Policy is to offer greater choice, more mobility options across Leicestershire and greater opportunities for support for all applicants.

The overriding aim of the policy is to make best use of affordable housing, to meet the needs of the local community. To ensure priority status on the scheme for home seekers with an urgent housing need whilst ensuring properties are let in a fair and transparent way. Application of the scheme can make a positive contribution to equalities:-

Gender is an issue in relation to economic status with women being adversely impacted. Research nationally suggests that women experience lower levels of economic activity than men, therefore by prioritising those in housing need who have limited choice; the policy is supporting the economically disadvantaged.

Lesbian, Gay, Bisexual and Transgender people may be particularly at risk of housing crisis and homelessness arising from homophobic or transphobic reaction by family, neighbours and members of the local community, this is especially pertinent to young members of these communities. This may make it difficult to obtain work or undertake formal voluntary work. By prioritising those unintentionally homeless (including those who are victims of abuse), or with insufficient income to access other means of housing, the policy supports lesbian, gay, bisexual and transgender applicants.

By focussing on housing need – those with medical needs (which will predominantly be those with disabilities or older applicants) will be given greater priority and support to find affordable, appropriate accommodation.

The removal of the policy of alternating allocations for general needs properties (by property type and location) between new applicants and those requesting a transfer will greatly assist those in rural areas who may be facing isolation. Those applicants will be assessed and shortlisted primarily on welfare need and not whether they are a new or transfer applicant. In addition, as affordable housing in rural areas can be scarce, this amendment will also ensure that applicants assessed for villages are considered primarily on their housing need and not their status as a new or transfer applicant.

In addition, by supporting applicants who are making a positive step in their lives by regularly re-paying any housing related debts they have, regardless of the level of debt, this will assist households that have been financially deprived or disadvantaged.

Step 5: Mitigating and assessing the impact

If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons. If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately. If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people. Consider what barriers you can remove, whether reasonable adjustments may be necessary and how any unmet needs have identified can be addressed.

No actual or potential adverse impact or discrimination as a result of the proposed changes has been identified.

In addition, Housing Options staff have completed training related to Equality and Diversity and will provide assistance to customers on a case by case basis, to ensure adequate understanding of the process and provide support as required.

All documents can be made available in alternative formats and languages as necessary.

Step 6: Making a decision

Summarise your findings and give an overview of whether the policy will meet Harborough District Council's responsibilities in relation to equality, diversity and human rights. Does it contribute to the achievement of the three aims of the Public Sector Equality Duty - eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity and foster good relations?

The policy does contribute to achieving the equality duty to eliminate unlawful discrimination, harassment and victimisation.

The purpose of the Allocations Policy is to offer greater choice, more mobility options across Leicestershire and greater opportunities for support for all applicants in housing need. As can be evidenced in Step 4, the Policy and proposed changes will have a positive impact on several groups with protected characteristics.

Step 7: Monitoring, evaluation & review of your policy/procedure/service change

What monitoring systems will you put in place to promote equality of opportunity, monitor impact and effectiveness and make

positive improvements? How frequently will monitoring take place and who will be responsible?

Monitoring of the lettings outcomes in common with practices in other authorities will be introduced to identify any direct or indirect discrimination against any particular groups. Analysis will be completed to see if people with a particular protected characteristic are disproportionately represented or adversely impacted upon.

The Housing Allocations Policy will be monitored on a quarterly basis to assess the impact of the proposed changes and the policy will be reviewed after a 12 month period to ensure it continues to meet best practice examples and ensure there are no un-intended outcomes from the implementation of the proposed changes.

Equality Improvement Plan

Equality Objective :

Action: Introduce monitoring mechanism with regards to applicants to the register, acceptances on to the register and letting outcomes for applicants, in line with Performance Management improvements as contained in the Service Improvement Plan.

Officer Responsible: Ann Ball, Housing Services Manager

By when: As per Service Improvement Plan

Equality Objective :

Action:

Officer Responsible:

By when:

Signed off by: Ann Ball, Housing Services Manager

Date: 24th February 2017

Once signed off, please forward a copy for publication to Julie Clarke, Equality and Diversity Officer
e-mail: j.clarke@harborough.gov.uk , telephone: 01858 821070.