Equality Impact Assessment

Relating to: Review of Gloucestershire Homeseeker Policy

Date: 11 March 2013

Introduction

The Equality Act 2010 requires that we pay 'due regard' to the three aims of the equality duty.:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it.
- Foster good relations between people who share a protected characteristic and those who do not share it.

Having due regard (which means consciously thinking about the statutory needs as part of a decision making process) involves:

- Removing or minimising disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic.
- Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of people who do not share it.
- Encouraging those people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Good equality analysis helps us to tackle inequality and target resources efficiently. It also helps us to demonstrate that we are pay due regard to our public sector duty.

The protected characteristics which the duty applies to are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, also marriage and civil partnership (but only in respect of the requirement to have due regard to the need to eliminate discrimination).

Indirect discrimination occurs where a condition or practice is applied which would put people with one of the protected characteristics at a disadvantage and it cannot be objectively justified.

It is important to understand and consider how different people will be affected by the decisions the council makes, so policies and services are appropriate and accessible to all and meet different people's needs.

This assessment will help you think about the potential impact your proposals will have on all sections of the community. Recognising these impacts early on in the process of developing policies will assist good decision making and ensure that the council and its partners deliver services appropriate to people's needs.

If you need help at any point or have any questions, please email equalities@tewkesbury.gov.uk

1 Person responsible for undertaking this assessment:

Name: Lisa Firstbrook Gloucestershire Homeseeker(GH) Coordinator,

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Date of Assessment: 11 March 2013

2 Name and brief description of the policy, service, strategy, procedure or function (indicate whether new or revised): (Please note for the remainder of this document will refer to a 'policy')

Gloucestershire Homeseeker (GH) Policy (2013) – this is a revised and updated countywide policy to an adopted policy that already exists.

3 Briefly describe its aims and expected outcomes:

The existing and adopted policy is used by local housing authorities in Gloucestershire to enable them to meet their statutory housing duties, including where duties are owed to homeless households under Part VII of the Housing Act 1996, as amended by the Homelessness act 2002. The policy sets out that GH involves a combined housing register, application process and an agreed set of criteria used to assess eligibility for social housing across the county. The policy makes clear who can apply for social housing and how their housing needs translate into a hierarchy of bandings depending upon how urgent the household's needs are. The single scheme approach is also intended to make it easier and simpler for housing applicants to understand so that they can make informed housing choices. By having a single policy, this makes it easier for local housing authorities to provide a clear and consistent approach to the allocation of a finite resource of social housing across Gloucestershire.

The existing policy has been revised and updated to take into account legislation changes and in particular those introduced by the Localism Act 2012, Welfare Reform Act 2012 and the Statutory Code of Guidance on the Allocation of Accommodation 2012. It also has regard to the Homelessness Strategies and Tenancy Strategies that have been developed by Gloucestershire local authorities.

Some changes to the policy have been made in order to comply with legislation. Where the legislative changes allow the housing authorities to exercise discretion, the policy makes clear the considerations that the authorities will make and how these will need to ensure the equality of opportunity to access suitable and affordable housing to meet needs.

The Welfare Reform Act changes the rules concerning the calculation of housing benefit. From April 2013, for the purposes of calculating a household's bedroom need and overall benefit cap, social housing is to be treated the same as all other housing tenures. For this reason, changes to the Gloucestershire Homeseeker Allocations Policy have been proposed to bring it in line with the Housing Benefit rules e.g.

- Bedroom need a separate bedroom for different sex children aged 8+ and a separate bedroom for same sex children aged 18+, has now been changed to the ages of 10 and 16 respectively. Meaning that the younger children of different sexes will have to share a bedroom for longer, but older children will be entitled to have their own bedroom sooner.
- No extra bedrooms for visiting children will be allowed
- Transfers of existing social housing tenants who are 'suspended' because of rent arrears will be considered as an exception on an individual basis. They will have to demonstrate that they cannot afford to stay in their current tenancy as a result of Welfare Reform changes e.g. the rent arrears accrued were directly as a result of a cap on benefit.

The Localism Act allows local authorities the freedom to have policies that enable them to make best use of available social housing stock within their locality. This includes that local authorities and other social landlords can offer flexible or fixed term tenancies rather than 'lifetime' tenancies. These terms allow the social landlord to review the circumstances of a tenant household and their continuing ability to need the property in the future. A tenancy can be ended so that the property can be offered to another household with the appropriate need. With this, and the other elements of the Localism Act in mind, the following changes to the Gloucestershire Homeseeker Policy have been proposed;

- Eligibility to housing is to be checked at the point of housing application and before allocation of a property is made to ensure that there are no lapses in eligibility.
- Applicants who own or part own a property which is suitable for their needs, or where those needs can be resolved through adaptation, sale or where, if they sold it, they could afford to buy another property will not qualify to join the housing register. We may make exceptions to this rule in the case of proven social or medical needs.
- Armed Forces groups (personnel and spouse/civil partner) will be entitled to a local connection to whichever local authority they wish to apply for housing under specific qualifying criteria.
- Ex- Armed Forces personnel will have a higher banding (Gold/Silver) for an extended 6 month period to that offered to other housing applicants
- An extra bedroom will only be considered if the following applies:
 - A carer who provides the applicant or the applicant's partner with regular overnight care, who is not normally living with the
 applicant. Evidence will be required to substantiate any claim which may include the care component of DLA (Disability Living
 Allowance), PIP (Personal Independent Payment) or attendance allowance, or details of a care package from a care providing
 agency funded by Social Services.
 - o An independent medical adviser has confirmed the need for an extra bedroom.

In all cases an assessment of affordability will be undertaken, with discretion for the final decision being with the relevant local authority and social housing landlord.

- Fostering/adoption once their application has been approved by the Foster/Adoption panel, an extra bedroom will be considered on a case by case basis.
- History of ASB or rent arrears these housing applicants are now 'non-qualifying' rather than 'suspended'
- Multiplier bands, previously used to provide additional preference for those with more than one issue, cannot be awarded
- Local authorities will be able to discharge their homelessness duty into the private rented sector provided that it is suitable and affordable for the tenant.

4 Describe how this policy will impact on the council's duty to:

- eliminate discrimination, harassment and victimisation:
- Advance equality of opportunity;
- Foster good relations.

Identify what particular groups of people will be affected by this policy. Consider how the policy may affect people's human rights. Will the policy create any problems or barriers to any community or group? Will any group be excluded because of the policy? Will the policy have a negative impact on the community?

The changes to the policy will affect people of all ages and genders who apply to the local authorities in Gloucestershire for housing. The changes will particularly affect those households of working age, families with young children who would not previously have had to share a bedroom, and those households who are members of the armed forces. However these changes are driven by legislative changes to welfare benefits and not entirely within the gift of local housing authorities to control. Currently changes will not affect people receiving Pension Credits (e.g. those over 61 years of age).

The policy makes clear who will not qualify to apply for social housing and states if a household or a member of the household has been responsible for unacceptable behaviour such as criminal activity or anti social behaviour, then they will not qualify to apply for social housing. The criteria can help to proactively eliminate discrimination, harassment and victimisation by ensuring that those who exercise such behaviours are not rewarded with housing opportunities above others. At the same time, the policy also ensures that there are processes in place to consider each application on its merits and reconsider non-qualification where an applicant has demonstrated a commitment to improve and change to more acceptable behaviour (e.g. that is more acceptable to the community). The policy makes clear the reasons why any sanctions may be applied or when restrictions may need to be placed on the household's ability to access housing. Whilst these sanctions may disadvantage some individuals from accessing housing and having a right to family life (Human Rights Articles), the policy includes an appeal procedure that ensures any representations made by the individual/ household are given due consideration and that sanctions are only applied where they are reasonable and necessary to the circumstances at the time. The appeals process ensures equality of opportunity. The Policy also makes clear that where an individual is in need of support to make an application, search for suitable housing or use the

scheme in any way, these vulnerable households will be identified and additional support will be brokered by the local housing authorities in partnership with housing related support providers, family or friends so that there is an equality of opportunity.

The policy does not restrict the movements of social housing tenants where they need to move across Gloucestershire districts to access employment, support of family or move back to an area where they have lived previously. The ability to maintain social networks and links with the community can assist in fostering good community relations.

5 Provide details of the evidence you have gathered in making this assessment, including data sources, consultation undertaken and the outcome/s of this, including people with specialist knowledge:

Useful sources of information: complaints monitoring, customer records, census data, focus groups, face to face interviews, surveys, related information produced by other public bodies.

Currently, GH Housing Register includes 21,358 households seeking housing across the county. Of these, 6223 households have been identified as being vulnerable or in need of support to navigate GH and actively find housing solutions. The Housing Register identifies that currently there are 3923 households who consider them self to have a disability; 600 who need wheelchair access, 329 who needed help with the application form and 136 say they have a support worker. The breakdown of households who said that a condition was being affected by their current housing situation was:-

Drug/alcohol 204; Learning difficulty 249; Medical problems 2267; Mental Health 1720; Physical disability 902; Social 881 TOTAL 6223 households

Consultation on the proposed policy changes has been undertaken over a 12 week period from January to March 2013. The consultation included local voluntary and community groups and countywide stakeholder groups such as the Citizens Advice Bureau, Shelter, GAVCA (Voluntary and Community Action), GEAR (street homeless), Youth Support Service, GRCC, Atlas Project, CCSMS (Drug and Alcohol service), GDASS and GDVSAP (domestic abuse services), ISIS (women addiction/ex-offenders), Nightstop, South West Homes, Adult Social Care, Members of the County Equality Group, all active Gloucestershire Registered Providers, Town and Parish Councils, Councillors plus all existing GH Active applicants.

There were only a total of 43 responses received during the consultation period confirming that most people were aware that the proposed changes to the policy were as a result of legislation changes. Individuals were mostly concerned about the direct affect on their application and Housing Benefit.. No changes have been made to the revised policy as a result of the feedback received but individuals were contacted about their personal circumstances.

An independent agency HQN was commissioned to provide an assessment of the whole GH policy and system processes. They reported to GH Management Board in March 2013.

The operational and strategic experience of the Gloucestershire Housing Options Officers has also assisted in influencing changes to this revised policy.

Appendix A gives key facts about the county of Gloucestershire taken from census data.

Implementation of the revised policy will be monitored over the next 12 months to reveal any issues arising and mitigation to be taken.

Where any particular group is affected differently by the policy in either a **negative** or a **positive** way, if you identify a negative impact, explain what actions you have undertaken or you plan to undertake, including consideration of any alternative proposals, to lessen or negate this impact:

High

Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available, urgent need for consultation with customers, general public, employees

Medium

Some potential impact, some mitigating measures in place but no evidence available as to how effective they are, would be beneficial to consult with customers, general public, employees

Low

Almost bordering with non-relevance to the EIA process (heavily legislation led, very little discretion exercised, limited public facing aspect, national policy)

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
Age (children, young people, working age, elderly)			X	Although the Welfare Reform Act will result in a negative impact mainly upon working age adults and especially those who are under occupying their homes, the changes to the Gloucestershire Homeseeker Allocations Policy will take into account the changes to housing benefit and will mean that housing applicants will not be allocated a home where the rent is unlikely to be met in full by housing benefit payments. The change will mean that some families with younger children, aged 10 and under, will be allocated a smaller home than they would have been allocated under the existing allocations policy. The change to the allocations policy will also mean that families with children aged 16+ (rather than 18+) will be allocated an extra bedroom for that child.	Neutral impact as families are not excluded from being eligible for housing the only change will relate to the number of bedrooms in the properties that they can be considered for.	It will be important for housing options officers within the Gloucestershire Local Authorities to monitor the number of families and young people that this change will impact upon.

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
Disability (indicate different impacts on different types of disability – mental and physical impairments, mobility, manual dexterity, speech, hearing, learning, understanding, visual, MS, cancer, HIV)			X	The policy supports that physical/medical considerations should be taken into account when assessing housing need and eligibility. The changes to the policy allow that if someone with a disability requires a carer to stay overnight and there is medical or DWP evidence to support that this is needed, then an extra bedroom can be allocated. There are currently 600 housing applicants on GH have an identified need for properties that are wheelchair adapted and a further 902 who have some form of physical disability that may require some adaptation. Priority and essential requirements to meet the housing needs of individuals are considered based on recommendations of County Occupational Therapists. In total 3923 households consider them selves to have a disability.		The definition of disability is factors that affect day to day activities for more than 12 months. GH Operational Group should consider if clarification on the web site and application form would be helpful.

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
Gender reassignment (also associated aspects: safety, single-parenting, caring responsibility, potential for bullying and harassment)			X	The policy changes do not impact positively or negatively on persons having undergone or in the process of undergoing Gender reassignment. Assessment of housing need will be based on the needs of the household (including any children or partners to be rehoused with the applicant). There are already provisions within the policy to ensure that there is equality of access to housing and should housing applicants who have identified themselves as belonging to this protected characteristic group be victims of bullying or harassment, then such issues will be considered carefully when assessing housing need. There is currently no monitoring of this particular group. Sexuality is monitored -190 people identified themselves as bi-sexual, 195 gay or lesbian, heterosexual 13,077 and 1712 preferred not say.		GH Operational Group to consider including with other monitoring questions.
Race (also ethnicity, nationality, culture, language, gypsy, traveller)	X			Some cultural groups prefer to have more than one family generation or more than one 'family' living in the same property. There may be a negative impact where there are younger and older children in each family but where these children would not normally share a bedroom.	The allocations of housing to multiple family groups will need to be monitored and any issues arising should be discussed with	GH Operational Group to monitor as the revised policy is implemented. Any issues to be raised with the GH Management Board with recommendations for policy changes where needed.

			Where a household registers as one household ie needing 1 property, they would be assessed in line with HB rules. Given that the maximum Housing Benefit for a household is capped at the 4 bedroom level and there is a limited supply of affordable larger properties this may present difficulties for some families and force them to consider over crowding or forming separate households. On the other hand the new Welfare Reform rules applying to all tenures (including social housing tenants) may encourage some families to keep their young people at home longer in order to avoid the "bedroom tax". The picture of race varies considerably across the county - see Appendix 1 taken from census data so monitoring and response in some districts will be more critical.	housing benefit teams to establish potential solutions.	
Religion or belief (Buddhist, Christian, Jewish, Muslim, None, Other)		X	Unless the religion or belief results in the need for larger housing or the ability for certain sexes of children not being able to share a bedroom, then there would be no impact. There is little evidence from the information available through the housing register that this would be a practical issue.	Monitoring by the housing options officers will assist in identifying any issues arising.	
Sex (also associated aspects: safety, single-parenting, caring responsibility, potential for bullying and harassment)	X		The negative impact could occur where there are separated families and the parent who does not receive child benefit for the children would not be allocated a bedroom need for visiting children (as part of a court order). In reality this is likely to affect more male single parents than female parents as the child benefit payments historically and currently are	Monitoring by the housing options officers will assist in identifying any issues arising.	Issues to be reported to the GH Management Board within 12 months of the policy changes being implemented.

		usually paid to the female parent. There are 7713 male main applicants and 12,532 female main applicants. Only 16 said they would Prefer not to say.		
Sexual orientation (heterosexual, lesbian, gay, bi-sexual)	X	There are a number of people on the housing register who fall within this protected characteristic group. However, the proposed changes to the policy do not negatively or positively impact upon them. Currently 190 people identified themselves as bi-sexual, 195 gay or lesbian, heterosexual 13,077 and 1712 Preferred not say reflecting some discomfort or fear of discrimination in this area.	Monitoring by the housing options officers will identify if these concerns reduce over time.	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
Indirect discrimination	X			The Armed Forces groups have been allowed a longer timescale in which they will hold a higher banding and local connection. This reasonable preference category is required by legislation (Localism Act) however, by implementing this positive action, this could result in a negative impact upon all other applicants on the housing register who are not considered to fall within the Armed Forces Group and who therefore are not treated as a priority.	This issue may arise more regularly in some areas of Gloucestershire than others due to the location of armed forces barracks. Monitoring by the housing options officers will assist in identifying any issues arising.	Issues to be reported to the GH Management Board within 12 months of the policy changes being implemented.
Socio-economically deprived groups			Х	The changes to the policy have been made to take into account changes in legislation. These legislative changes are not within the gift of local housing authorities to control. Where there is some discretion for local authorities in terms of the interpretation, consideration has been given to limit any adverse impact upon socio-economically deprived groups. Changes have been made to the policy only where it has been necessary to do so and to ensure that people can be housed in suitable and affordable accommodation. The changes apply across the county and therefore will include local areas of identified deprivation.		

Community cohesion The proposed changes to the policy do not	
specifically promote community cohesion or	
Provide details of any ways in which the strong relationships between groups.	
proposed activity would promote equality in The process of allocating social housing can	
the community between those who share a sometimes be governed by a S.106 Agreement	
protected characteristic and those who do or a local lettings plan which help to make the	
not, and how it would promote good relations allocation process more equitable in some	
between such groups areas where there is a lack of provision or an	
Is there equality between those who	
will and won't benefit from the in partnership with Registered Providers and	
proposal? other groups to maximise the opportunity to	
Are there strong relationships between reduce potential housing management issues	
groups and communities in the area or tackle anti social behaviour and perceptions	
affected and will the proposed action of crime in areas where evidence supports	
promote positive relationships? action. Working in partnership can also help to	
Does the proposal bring	
groups/communities into increased sustainable communities.	

7 Next review date of this Equality Impact Assessment

contact with each other?

(Every three years or whenever there is a review of policy changes, if earlier)

Date: March 2016 or whenever there is a revision of this policy if earlier.

8 What are the training needs for you and your team that have arisen as a result of this assessment?

Housing options officers to monitor the impact upon the groups highlighted in section 6 above. It may be necessary for awareness sessions to be rolled out to officers and support groups who may have involvement and may need to provide support to families or individuals experiencing difficulties as a result of the welfare reform changes and changes to the housing allocations policy.

Suitable monitoring arrangements will need to be agreed.

Declaration

We are satisfied that an Assessment has been carried out and where a negative impact has been identified, actions have been developed to lessen or negate this impact where possible.

Where the impact on equalities of the policy or proposals is very significant, and mitigating actions do not sufficiently lessen the impact, or mitigating actions cannot be identified, we have considered whether to go ahead with the original proposal at all, or whether to reformulate it.

We understand that the Equality Impact Assessment is required by the council and that we take responsibility for the completion and quality of this assessment.

Completed by: Frances Evans Tewkesbury Borough Council

Sue Leighton-Boyce Stroud District Council Date:11 March 2013

Date:11 March 2013

Role: Housing and Enabling and Policy Manager

Housing Advice Manager

Countersigned relevant manager of service:

Joanne Jordan Strategic Head Customer Services Stroud District Council

Please forward an electronic copy to equalities@tewkesbury.gov.uk

Appendix 1 Key Facts about Gloucestershire (based on 2011 census and latest available data)

The county is approximately 45 miles from west to east and 37 miles from north to south, with an area of approx 1045 sq miles. Just over 50% of the county is in an Area of Outstanding Natural Beauty.

- Gloucestershire Population 596,984 residents, 5.7% more than 2001. (National average of 7.8%). The biggest age rise is 45 64 years. The largest percentage rise is 90+. The number aged 5 14 and 25 44 fell over the period.
 - Lower proportion of 0 -19 year olds (22.9%) and 20 64 year olds (58.5%) compared to national average. Proportion of people aged 65+ (18.7%) exceeds national average.
 - By 2026 the population over 65 is predicted to increase by 65% and the 85+ population by 80%.
- **Districts**: Cheltenham 115,732; Cotswold 82,881; Forest of Dean 81,961; Gloucester 121,688; Stroud 112,779; and Tewkesbury 81,943.
 - Gloucester has the highest representation of children and young people (25.1%) exceeding national and regional average.
 - Cotswold, Forest of Dean, Stroud and Tewkesbury all have an over-representation of people aged 65+ compared to the national average. At 22.3% Cotswold has the largest proportion of people aged 65 and over.
- **Households** 254,620, up 16,700 from 2001. The biggest rise is one person (aged under 65) (+7,700), then cohabiting (+6,200) and lone parents (+2,000). The main decline is married couples with dependent children (-3,200).
- **Gender & Age:** In 2011, the gender split of the County residents was 49% men / 51% women. The proportion of older people in the population has risen since 2001, especially for men. The proportion of men aged 65+ rose from 7.3% to 8.3%. For women, it rose from 10.1% to 10.4%.
- **Ethnicity -** Between 2001 2011, the percentage of non-white population rose from 2.8% to 4.6%. Nationally it was 14.1%. Gloucester has the highest non-white population at 10.9% and the Forest of Dean the lowest at 1.5%.
- **Health and un-paid care** Overall Gloucestershire is one of the healthiest counties in England. Health outcomes are better than the national average with death rates from all causes falling over the last 10 years.
 - 82.8% of residents feel in good or very good health, higher than the national average of 81.2%. The proportion feeling in bad or very bad health is 4.5%, lower than the national average of 5.6%.
 - 99,750 residents have a limiting long term illness/disability (LLTI). This is 16.7% of the population, lower than the national average of 17.9%.
 - A total of 62,600 people provide unpaid care each week, representing 10.5% of the population. This is an increase from 9.9% ten years ago, and is slightly higher than the national average of 10.3%.

- Religion & belief: The number of Christians in the County reduced during 2001-2011, same as the national trend. The biggest rise was 'No religion', Muslims and 'Other religion'. Christians now account for 63.5% of the population, followed by 'No religion' (26.7%).
- Marriage and Civil Partnerships: The population (16+) in the County who were married rose by 0.3% during 2001-2011, while those who were single, separated or divorced rose by 20-23%. In 2011, 50.2% of people (16+) were married, 30.5% were single and 11.8% were separated or divorced.
- Average house price £224,550, but again considerable variation across districts, range from £327,674 in Cotswold to £151,746 in Gloucester (£175,928 difference).

Between 2001 - 2011, the proportion of owner-occupied households reduced whilst private renting rose. In 2011, 69.4% households are owner occupiers and 16.8% in private renting. Nationally, there are 63.5% and 18.1%.

- Households without central heating reduced by 60% between 2001 and 2011. They accounted for 2.7% of all households, the same as the
 national average.
- **Deprivation** 12,698 residents live in neighbourhoods classified as being amongst the 10% most deprived in England. There are now 8 neighbourhoods (in Gloucester and Cheltenham) in this top bracket whereas there were only 7 at the time of the 2007 Indices of Deprivation. Just under 45,000 residents are living in the most deprived 20% of neighbourhoods and almost a third of residents live in the least deprived 20% of areas nationally.
- **Unemployment -** The claimant rate was 2.6% in December 2012. (0.1% higher than the South West average of 2.5%, and 1.1% lower than the UK average of 3.7%.

At the end of 2012 there were 721 young people aged 16-18 not in education, employment or training and this figure translates into a 16-18 NEET population of 4.8%.

- **Employment –** 14.8% (45,000) of people who are in employment work in manufacturing compared with 10.2% nationally.
 - 88% of Gloucestershire's residents also work in the County.
- Gross weekly pay £490.80 for full-time workers in Gloucestershire compared with £476.50 in the South West and £508.00 nationally.

Source:

http://www.gloucestershire.gov.uk/inform/index.cfm?articleid=93941 http://www.nomisweb.co.uk/reports/lmp/la/1967128589/report.aspx?town=Gloucestershire