Equality Impact Assessment

Validation Decision Notice

EIA Reference Number: 177
Service, policy, or strategy: Tenancy Strategy
Element(s) assessed: Introduction of new Tenancy Strategy
Names of Assessors: Policy Officer, Research and Policy Officer, Assistant Housing Manager, Principal Engineer, Paralegal

Consider:

Was discrimination or disadvantage identified? [ ] Yes [X] No

Was the service promoting equality? [X] Yes [ ] No

Could the service be improved in promoting equality? [X] Yes [ ] No

Are the customers' needs understood and met? [X] Yes [ ] No

Is there good evidence and/or reasoning to support the decisions on whether groups are/aren't affected? [X] Yes [ ] No

Does the summary report properly reflect the key findings of the assessment? [X] Yes [ ] No

Is the summary report clear and easy to understand? [X] Yes [ ] No

If improvements have been identified, do they reflect and deal with the key findings? [X] Yes [ ] No

The decision is to: Validate [X] Not validate [ ]

The reason(s) for the decision are: please give details below

Validation given – information correct [X]
Not validated – decision not to proceed as EIA incorrect [ ]
Not validated - screening error [ ]
Not validated -- research/consultation error [ ]
Not validated -- improvement error [ ]

Signed: [Signature]
Name: LAURA TAYLOR

Designation: [Signature]
Date: 20/11/12
Equality Impact Assessment

Stage 1

<table>
<thead>
<tr>
<th>EIA ID (Sinbad reference number)</th>
<th>177 – Tenancy Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of meeting</td>
<td>6 September 2012</td>
</tr>
<tr>
<td>Job Titles of assessors</td>
<td>Policy Officer, Research and Policy Officer, Assistant Housing Manager, Principal Engineer, Paralegal</td>
</tr>
</tbody>
</table>

The Assessment

This Equality Impact Assessment (EIA) relates to the council’s draft Tenancy Strategy, a statutory requirement under the Localism Act 2011. The Act introduces Fixed Term Tenancies (FTTs) into social housing – that is, rather than being granted a tenancy for a lifetime, providers of social housing are now able to grant tenancies for a limited period of time, to be no less than 2 years. Typically, providers tend to grant a tenancy for 5 years. This applies to all new tenants who are offered tenancies from April 2012. It does not affect existing tenants, nor does it apply to supported or sheltered accommodation. It can, however, affect a tenant who moves to another registered provider property.

This Strategy is produced in reference to the introduction of FTTs and so the EIA is not evaluating the impacts of FTTs - but the effects of the Strategy itself, which seeks to support those households who may find themselves adversely affected.

It is important to note that the registered provider only has to “have regard” to the council’s Tenancy Strategy. There are around 30 registered providers with housing stock in Basingstoke and Deane and they may choose to adopt different approaches to fixed term and lifetime tenancies. The council’s Strategy must be published by January 2013, the first anniversary of the introduction of this provision in law.

This EIA considers the impact of the Tenancy Strategy on the different protected characteristics groups and other potentially vulnerable individuals with a view to mitigating any potential adverse impacts of its’ implementation.

Following this EIA, the Strategy will be considered by the council’s Overview and Scrutiny Committee and Cabinet and Full Council. Local registered providers have already been consulted on an earlier draft (in August 2012) and in 2011 the council had a series of workshops with neighbouring councils and Housing Associations (Registered Providers/RSLs) to discuss the impacts and what would be covered by the Strategy.

There is also a cross – county (Hants) Strategy Statement which has been widely consulted on and to which the council’s own Strategy has regard. The responses to this consultation have also been used to inform the BDBC Tenancy Strategy.
Stage 1

Assessment Findings

The initial discussion considered the possible impact of the Strategy on the different protected characteristics groups and other potentially vulnerable individuals. The group noted the fact that individuals with certain severe disabilities (including learning disabilities) were noted as 'protected groups' within the strategy was very positive. Concern was raised for families with young children and young people on a low income, however, it was confirmed that, each individual case would be assessed on the basis of need, in which case, those in most need would always be protected. There was also concern raised for older people as moving home later on in life could have a negative impact, however, as noted previously, the assessment would take into account the specific need of the residents, hence, protecting the majority of vulnerable groups.

Justification

The Tenancy Strategy has a direct impact on people, particularly vulnerable individuals. On this basis, the group agreed that there was a need to carry out a scoping and screening process and move to Stage 2 of the EIA.
## Equality Impact Assessment

**Stage 6**

<table>
<thead>
<tr>
<th>EIA ID (Sinbad reference number)</th>
<th>177 – Tenancy Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of assessment</td>
<td>6 September 2012</td>
</tr>
<tr>
<td>Job title of assessors</td>
<td>Policy Officer, Research and Policy Officer, Assistant Housing Manager, Principal Engineer, Paralegal</td>
</tr>
</tbody>
</table>

### The Assessment

The Assessment was carried out on the Strategy following a period of consultation with RSLs and prior to the Strategy being presented to Overview and Scrutiny Committee. The context of the Strategy was outlined to confirm that the council had a statutory duty to have and publish a Tenancy Strategy but that RSLs are only required to “have regard” to it and may publish their own policies on Fixed Term Tenancies. Nevertheless, it was important for the council to state and publish its own position on Fixed Term Tenancies to show how FTTs could help deliver housing priorities, not simply in making better use of housing stock but how protection for vulnerable people could be achieved, housing need met and homelessness prevented.

This EIA aimed to consider the impact of the Tenancy Strategy on the different protected characteristics groups and other potentially vulnerable individuals with a view to mitigating any potential adverse impacts of its’ implementation.

Following this EIA, the Strategy will be considered by the council’s Overview and Scrutiny Committee and Cabinet and Full Council. The Assessment considered each section of the Strategy in turn including how the priorities had been developed; the evidence used and considered the consultation responses the council had already received.

### The Customer/Customer Group

The customer base for this Strategy covers all those who seek social housing in Basingstoke and Deane or who approach the council for housing advice. The Strategy itself covers a wide range of data and indicators that will be monitored to ensure its effectiveness and to identify quickly the effect that Fixed Term Tenancies are having on local people, homelessness, housing need and on the availability of stock. RSLs are the target audience of the Strategy.

### Consultation and Research

Data compiled demonstrates increasing household need, and fewer new homes built and fewer existing homes coming up for re-let means that scarce social housing should be available to those most in need.

Local registered providers and neighbouring districts were consulted on an earlier draft of the Strategy (in August 2012) in the preparation of a Hampshire Tenancy Strategy Statement. In 2011 the council had a series of workshops with neighbouring councils and Housing
Equality Impact Assessment

Stage 6

Associations (Registered Providers/RSLs) to discuss the impacts and what would be covered by the Strategy. This has informed the borough council’s own Tenancy Strategy, the consultation for which was conducted in August 2012.

The borough’s District Inclusive Forum has contributed to the content of the Strategy, particularly with regard to protection for vulnerable groups and the issues to which RSLs should have regard when considering renewal of a tenancy.

The cross – county (Hants) Strategy Statement which has also been widely consulted on and to which the council’s own Strategy has regard. The responses to this consultation have also been used to inform the BDBC Tenancy Strategy.

Key Individuals and Organisations

Consultees: Neighbouring Hampshire district local authorities, all Registered Social Landlords with stock in the borough, Basingstoke and Deane District Inclusive Forum. Other: a range of Basingstoke and Deane Council internal departments' experts.

Assessment Findings

The assessment found that the Strategy was generally very comprehensive in terms of protecting vulnerable groups; however several action points were noted (see recommendations below).

The group noted the fact that individuals with certain severe disabilities (including learning disabilities) were noted as 'protected groups' within the strategy was very positive. Concern was raised for families with young children and young people on a low income, however, it was confirmed that, each individual case would be assessed on the basis of need, in which case, those in most need would always be protected. There was also concern raised for older people as moving home later on in life could have a negative impact, however, as noted previously, the assessment would take into account the specific need of the residents, hence, protecting the majority of vulnerable groups. There were no differentially negative impacts identified on any of the groups.

In developing the Strategy, officers had sought to minimise the effect of the Fixed Term Tenancies on those groups who would be the most vulnerable and had written into the Strategy that the RSLs should take into account a considerable number of issues that would help mitigate the effects of moving house on vulnerable people.

Increasing the emphasis on "welfare issues" amongst the list of RSL considerations would help make this more emphatic. It was acknowledged that the Strategy could only state what actions the RSLs should take and could not compel them to do so, but nonetheless it was important for the council to make its view known and publicised.

Given the findings from the Assessment, there do not appear to be any adverse effects of this Strategy upon any groups of people and positive effects in some areas. The RSLs will develop their own policies and determine how FTTs work in practice. The Strategy will be
Stage 6

closely monitored regularly as this is a new policy area and its effects and impacts must be understood. At this stage there is sufficient mitigation in place to address any concerns. The Strategy has listed a number of key areas on which to keep a close eye.

Recommendations

1) To amend the Strategy to reflect:
   - Include reference to welfare and well-being as issues to which RSLs should have regard – this will cover caring responsibilities, children’s education, pregnancy and maternity;
   - The possibility of adverse effects for particular individuals or households if they have to move e.g. transgender individuals;
   - Clarity on whose income would be taken into account when determining affordability;
   - How housing need criteria deals with households from different cultural backgrounds where large/extended families are the norm.
   - Strategy should make reference to welfare & wellbeing issues - providers are asked to take into account the “education and training” needs of members of the household.
2) To monitor the Strategy and the data/indicators outlined in the Strategy on an on-going basis.
3) To conduct a review after one year of publication (review therefore January 2014).
4) Ensure advice and information readily available in formats that will overcome any barriers for people who may struggle to understand them and that advocacy support is offered where needed e.g. in some instances with individuals with specific disabilities, poor literacy or with English as a second language.
5) To carry out more research into the equalities profile of affordable housing tenants.