



## APPENDIX 3

# Equality analysis template

## March 2013

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## Guidance notes

### Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the affect of the council's policies and practices on people with different protected characteristics is an important part of complying with the general equality duty. Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service user's changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the Equality and Human Rights Commission recommends that public bodies:

- Consider all the [protected characteristics](#) and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed as a result, not the production of a document.
- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in community impact statements in Council reports. Community impact statements are a corporate requirement in all reports to the following meetings: the cabinet, individual decision makers, scrutiny, regulatory committees and community councils. Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider any implications for equality and diversity.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English. Equality analysis may be published under the council's publishing of equality information, or be present with divisional/departamental/service business plans. These will be placed on the website for public view under the council's Publications Scheme.

Equality analysis should be reviewed after a sensible period of time to see if business needs have changed and/or if the effects that were expected have occurred. If not then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of equality analysis. The council's Community Engagement Division and critical friend, the Forum for Equality and Human Rights in Southwark can assist with this (see section below on community engagement and [www.southwarkadvice.org.uk](http://www.southwarkadvice.org.uk)).

**Section 1: Equality analysis details**

|   |  |  |                 |             |  |
|---|--|--|-----------------|-------------|--|
| <b>Proposed policy/decision/business plan to which this equality analysis relates</b> |  | <b>Housing Allocations Scheme</b>                      |                 |             |  |
| <b>Equality analysis author</b>   |  | Ian Swift  |                 |             |  |
| <b>Strategic Director:</b>  |  | Gerri Scott Director of Housing and Community Services |                 |             |  |
| <b>Department</b>   |  | Housing and Community Services                         | <b>Division</b> |             |  |
| <b>Period analysis undertaken</b>   |  | May and June 2013.                                     |                 |             |  |
| <b>Date of review (if applicable)</b>   |  | 1 <sup>st</sup> July 2013.                             |                 |             |  |
| <b>Sign-off</b>   |  | <b>Position</b>  |                 | <b>Date</b> |  |

## **Section 2: Brief description of policy/decision/business plan**

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### **1.1 Brief description of policy/decision/business plan**

Southwark Council is required under section 167 of the Housing Act 1996 to produce a Housing Allocation Scheme. 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 demand for secure affordable housing in Southwark far outweighs the supply. In order to maximise the supply of affordable housing in the borough the Council works closely with a number of Registered Social Providers, they are also known as Housing Associations. The Registered Social Providers have joined a common housing register and Allocation Scheme where all void properties except those exempt within the Scheme 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 during 2006.

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 Analysis.

The Guidance, which came into force on 29<sup>th</sup> June 2012, sets out the new freedoms in the Localism Act, which are intended to allow councils to better manage their housing registers, to promote mobility for existing social tenants, to encourage work and mobility, and to tailor their allocation priorities to meet local needs and local circumstances.

The Government expects that social homes should go to people who genuinely need them, such as hard working families and those who are looking to adopt or foster a child in need of a stable family; and to ensure that Armed Service families get the priority for social housing they deserve.

The objectives of the council's Allocation Scheme 2013 are to:

Offer as much choice as possible to customers.

Offer customers information and advice to enable them to make informed choices about their housing options.

Create an easy to understand, fair and transparent system.

House those in priority need as determined by the law.

Help prevent homelessness.

Make the most effective use of the local housing stock.

Respond to the circumstances of vulnerable individuals by joint working with other agencies.

Ensure equality of opportunity in accessing the housing register and in the allocation of properties.

Promote sustainable tenancies and communities by acknowledging the support needs where appropriate

Support the principles of social inclusion, community cohesion and aim to meet customer expectations.

Recognise residents who make a contribution to the local community

Encourage residents to access employment and training

The desired outcomes of the policy are -

To let vacant properties via the Choice Based Lettings Scheme, within target times, in accordance with the Allocations Scheme 2013.

To make all allocations fairly, equitably and without any discrimination based on race, gender, sexual orientation, ethnic origin, nationality, religion, age disability or illness.

To help develop community cohesion and employment

The Housing Allocations scheme proposes the criteria that will enable people to register on the Housing Register and be prioritised for social housing based on their individual circumstances and housing need. Consequently those registering for housing are likely to be the most economically disadvantaged and therefore contain an over representation of households in the protected groups including the elderly, families with children, single parent families, those with disabilities and households from ethnic minorities.

### **Identification of policy aims, objectives and purpose**

The council has a large number of residents registered on its housing register and we need to make sure we're allocating social housing in a way that is fair.

Many residents are working in low-paid employment and would benefit greatly from the low cost rent in a social home.

The proposed changes to the allocations policy will recognise and reward those residents who are working hard – through paid employment or, for example, acting as full time careers.

The council aims to change the culture of the housing register to show that residents who are taking positive steps in their lives will be supported, rather than leading them further away from social housing.

By changing the allocations policy we hope to create mixed and stable communities.

A principal aim of this policy change is to rebalance communities and end the situation where public housing estates have a large proportion of households that are dependent on benefits. Southwark aims to create mixed and sustainable communities where people of different backgrounds and socio economic groups live side by side, as already happens in many streets of Southwark's Victorian terraced housing. In the council's view this fosters better community relations in the medium to long term.

### **Changes to the Southwark Allocations Policy**

The council is introducing residency qualification which governs eligibility to join the Housing Register

The council is amending the local connection rules and they are also contained in the new Housing Allocations scheme

Those in the armed forces and in housing need will be prioritised in the allocation of housing.

Those in employment and in housing need will also be prioritised in the allocation of housing.

The rules on the level of rent arrears permissible to those bidding for properties are being made more flexible to allow a greater degree of flexibility in the management of the housing stock.

Rules are being introduced regarding the suspension of bidding rights for applicants/tenants who refuse 3 offers or who have failed to attend a viewing appointment.

Photographs of the applicants will need to be provided at the point of application in order to reduce the likelihood of fraudulent applications being made.

Additional priority to customers who adopt or foster care for children.

Additional priority for households making a contribution to the Southwark community.

Homeless customers may be re-housed into the Private Rented sector allowing the council to discharge its homeless duty.

Adoption of the bedroom size criteria for the allocation of accommodation which complies with the Welfare Reform bedroom standard and helps prevent under occupation.

Rules governing the allocation of social housing are in the main, set by the government through primary legislation. Prior to recent changes in legislation, the Southwark and other local authorities were restricted when it came to setting rules about who was eligible to join a housing register and how it prioritised between applicants once they were put on the register.

Government policy has developed since the Ahmad case and some of the housing provisions in the Localism Act 2011 reflect the outcome of the case. The Act allows

local authorities to allocate their housing in accordance with locally set qualification criteria and allows local priorities to be used alongside statutory preference criteria to determine priority for allocation.

The Localism Act 2011 allows the council to move from an open Housing Register to a closed Housing Register. This means Southwark will no longer accept applications from people who live outside the Borough except in very limited circumstances e.g. a member of HM armed forces; or somebody moving to the borough for employment reasons.

Southwark is also proposing an on line Housing Register from November 2013 to reduce the administrative burden of managing a large Housing Register. Special steps will be taken to support those without access to the Internet, and those who have difficulties using PCs.

These are outlined below in the mitigating measures. Our Choice-Based Lettings (CBL) system has been on line since 2006. Over 90% of customers bid on the web and the Council is very experienced in assisting disadvantaged groups in using the CBL system.

In the Council's view these policy changes could affect some groups differently but there are wider strategic issues that need to be addressed in relation to rebalancing communities, for example by reducing inequality and poverty over the long term by encouraging employment.

### **Relevant data, research and consultation**

This Equality Analysis looks at the changes listed above and assesses their impact on those applicants/households within the protected characteristic groups listed in the table below.

Where the precise number of those households affected is known these figures are presented in report below.

It is anticipated that the employment change will have a significant impact on those in the protected characteristic group and this is dealt with in detail in the report. The equality analysis then assesses the impact of the other changes which the council is making to the new allocations scheme. The new Housing Allocations Scheme places considerable emphasis on the needs of people in the protected groups under the Equality Act.

The council has a wide range of data that is relevant:

(i) A complete breakdown by most protected characteristics of the Housing Register. The council does not have a comprehensive data on the number of people on the Register who are working. Southwark will be writing to everyone in August 2013 on the list asking them to declare if they are employed.

(ii) A complete breakdown by most protected characteristics of the Choice Based Lettings (CBL). This covers the bidding behaviour of people with the highest priority on the Housing Register who are currently bidding for property. The majority of lettings are made through CBL. From the data, we can see if bidding is proportional to key characteristics of the Housing Register. The council is aware of the need to ensure that allocation of social housing complies with relevant equalities legislation.

Prior to 2005 the council allocated properties to people on the waiting list. It was paramount then to ensure that officers did not indirectly discriminate against any particular groups and there was as such monitoring of the lettings outcomes in common with practices in other authorities. However following the introduction of Choice Based Lettings, the emphasis shifted to ensure that different groups (now described as sharing common protected characteristics) understand how to exercise choice and are assisted, when required, to do so.

### **Wider changes in government policy**

The changes in the council's Allocations Scheme have to be looked at in the context of the wider series of changes to the way councils generally manage the use of their limited housing resources. As well as the changes in the revised Allocations Scheme, other changes in the law are encouraging councils to move away from lifetime secure tenancies in council built homes.

In the wider context, the government has re-launched the Right to Buy (RTB) scheme for council owned homes. Discounts of up to 70% of market value are available after 5 years residence subject to a ceiling of £100k. This again means that working households may choose not to bid for affordable rent properties built and managed by a registered provider (an RSL or housing association) where there is no RTB, but prefer to wait for a council owned home. Bidding behaviour in this new housing regime of flexible rents and tenancies may be very different from what we have seen since CBL started in Southwark in 2005.

The council will carefully monitor the changes in bidding patterns and collect the data it needs to ensure that it complies with its equalities duties.

### **A note on the proportion of households/applicants to be awarded additional priority because of employment in the new scheme**

Government Guidance under the Equality Act was published in January 2011 and focuses on proportionality which is a key principle. The following sections consider the issue of how conferring additional priority to people who have been in employment is proportionate to the aim of the policy set out above.

It is not anticipated that the numbers of households to be re-housed as a result of priority for employment will dominate the allocation of housing in Southwark. It is accepted that a proportion of non- working households will wait longer as a result of this policy but the council will undertake regular monitoring to ensure that the new Allocations Scheme is a proportionate response to the new freedoms and flexibilities enshrined in the Localism Act 2011. Outcome of bids will be regularly monitored to ensure that the allocations scheme complies with the requirement of section 166 Housing Act 1996.

This assessment is intended to inform members about the impacts the proposed changes to the Allocations Scheme will have on those in the protected characteristic groups. It has been drawn up using a broad range of data and research available to officers about those on the Housing Register and those presently living in council accommodation. In addition to the legislation and case law governing allocations, consideration has been given to the government guidance on the allocation of housing, the Equality Act 2010 and recent case law on the operation of Section 149 of that act.

Overall, the Southwark Allocations Scheme has many provisions in place to meet the needs of particular households in the protected groups (disabled people; the elderly; people with support needs), and we have provisions to exercise discretion in exceptional circumstances. Officers will monitor the effects of the changes to the Allocations Scheme to assess the impacts of these changes on an on-going basis.

In determining the rules within this Allocation Scheme, the council needs to comply with The Housing Act 1996, as amended by The Homelessness Act 2002, the Localism Act 2011, and the published Tenancy Strategy and the Homelessness Strategy, and the London Housing Strategy. Additionally, the council will have regard to case law, relevant legislation (including any amendments) relevant codes of practice, Statutory Instruments and local policies.

When anyone applies for an allocation of affordable housing or to join the Housing Register, the customer must be informed by the council of their relevant statutory rights,(Housing Act 1996 section 166(2) and 167(4A)) as follows:

The right to request such general information as will enable the applicant to assess their application is likely to be treated under the allocations scheme to include whether the customer is likely to fall within any of the groups entitled to a reasonable preference;

The right to request such general information as will enable the customer to assess whether accommodation appropriate to their needs is likely to be made available and if so, how long it is likely to be before an offer is made;

The right to be notified in writing of any decision that the customer is **not** to be given any reasonable preference and of the reasons for that decision;

The right to ask the council to inform the customer of any decision about the facts of the customer's case which has been, or is likely to be, taken into account when considering whether to allocate accommodation;

The right to request a review of any decision that the customer is **not** to be given reasonable preference, any decision as to the facts of the customers case, or any decision that the customer is not eligible for an allocation under section 160A(9) and the right to be informed of the review decision and the grounds of it.

The Department of Communities and Local Government on the Allocation of Accommodation Guidance 2012, sets out the expectation upon the authority for providing support and assistance when adopting an Allocation Scheme which requires the active participation of housing applicants in choosing their accommodation.

Section 166(1) (b) of the 1996 Housing Act requires a housing authority to secure that any necessary assistance is made free of charge to persons in its district who are likely to have difficulty in making an application without assistance. Paragraph 6 of the Allocations Code provides that where authorities adopt an Allocation Scheme which requires the active participation of housing applicants in choosing their accommodation the level of assistance needed by those who are likely to have difficulty in making an application will normally be greater and housing authorities will need to provide for this. In providing for this, authorities are advised to consider:

which individuals or groups of applicants are likely to have difficulty in making an application without assistance;

how to identify individuals who require assistance;

the type and level of assistance are they likely to require; and whether that assistance is currently available and from what organisation.

Working families and those making a community contribution are the key groups intended to benefit from the changes to the Allocation Scheme as proposed in the light of the Localism Act 2011.

The shift to giving priority for allocations towards those in work or making a community contribution is a justifiable policy change designed to deliver the council's strategic aim of bolstering sustainable communities.

These changes are self-evidently likely to have an adverse impact on people having protected characteristics, in particular the disabled but also some ethnic minorities.

The population of Southwark is projected to increase like the rest of the country.

The allocations scheme gives preference to older people and proposes increasing the options for mobility in sheltered housing.

The Housing Register is broken down as follows in comparison with the borough population. As at the 31<sup>st</sup> March 2013 the number of households on the housing register was 21,114 as compared with 134,000 households in the borough as a whole, equating to 15.76%.

### **Relevance to Equality and Diversity Duties**

An initial assessment of the Allocation Scheme and Choice Based Lettings Scheme has shown that it has a high degree of relevance to the general duty as it relates to two of the requirements eliminating discrimination and promoting equal opportunities.

The Equality Analysis was carried out along with a full review of the allocation system.

This was widely consulted on, with the result of the new Housing Allocations scheme.

The Review concluded that the monitoring arrangements thereto in place for allocations in terms of equality were not sufficiently robust and that there would be an on-going need to closely monitor the Impact of the new Allocation Scheme and Choice Based Letting schemes.

A main feature of this Equality Analysis has been to consider in particular the changes being driven by the Localism Act and the extent to which the system has become more transparent as well as fair for all of its customers.

The Hills Report (Hills J (2007)) Ends and Means: The Future Roles of Social Housing in England, (CLG), sets out the rationale for reform of social housing allocations. The report highlights that 'employment rates of those living in social housing with particular disadvantage or with multi disadvantage are substantially lower than those of people with a similar disadvantage but living in other tenures'. The effect of this is that

allocation policies create concentrations of poverty with a detrimental impact on both community cohesion and sustainability. The choice based lettings scheme and the Allocation Scheme 2013 adopts measures to address these issues.

The Allocation of Accommodation Guidance, which came into force on 18 June 2012, sets out the new freedoms in the Localism Act, which are intended to allow councils to better manage their Housing Registers, to promote mobility for existing social tenants, to encourage work and mobility, and to tailor their allocation priorities to meet local needs and local circumstances. Government expects that social homes should go to people who genuinely need them, such as hard working families and those who are looking to adopt or foster a child in need of a stable family; and to ensure that Armed Service families get the priority for social housing they deserve. The guidance encourages councils to adopt a modern measure of overcrowding and encourages them to give appropriate priority to tenants who want to downsize, helping them move to smaller, more manageable properties and freeing up precious social housing for crowded families.

The shift to giving priority in allocations towards those in work or making a community contribution is a policy change designed to help deliver the council's strategic aim of bolstering sustainable communities.

These changes are likely to have an adverse impact on the likelihood of people having protected characteristics, in particular the disabled but also some ethnic minorities, in accessing the limited supply of social housing.

It remains critical that the revised Allocations and Choice Based Lettings Scheme aims to ensure that all residents are fairly and equally treated irrespective of race, gender, disability, sexual orientation, age, religion or belief or any other characteristic, including pregnancy and maternity, gender reassignment and socio- economic factors.

The code of practice on racial equality in housing specifically sets out the following areas of potential discrimination and disadvantage in the lettings and choice based lettings process. Most of these could apply equally to the other groups with protected characteristics:

Information about services.

Access.

Elimination of discriminatory practices in Lettings and quality of offers.

Nomination arrangements.

Assessment of housing applicants.

Type of property.

Advice services.

The Code of Practice also sets out the following **key outcomes for any allocation process**:

Applicants from all racial groups are offered lettings in proportion to each group's representation among all applicants, taking into account different preferences and needs

The housing organisation communicates effectively with all groups. Information about housing services is available, on request, in the languages used in the housing organization's catchment area

The housing organisation has good links with local people from all racial groups and uses these to improve its services

The housing organisation can show that its housing systems work fairly and equitably for people from all racial groups

The housing organisation's staff have received training on racial equality generally, as well as on the duty to promote race equality and other responsibilities under the RRA

The housing organisation's monitoring systems work well, providing reliable information about local housing needs, and how these are met

People from all racial groups are treated fairly, and to high standards, at all stages of the housing and re-housing process

Ethnic minority households are proportionately represented on housing lists, based on census and other data. If they are not, and there are significant disparities, the housing provider can explain the reasons for this

Feedback shows that people are equally satisfied with the services they receive, regardless of racial group.

The council recognises that it does not currently hold comprehensive details of which applicants are working, seeking work or training or actively engaged in voluntary work. Clearly the Council will need to collect this data along with our Registered Provider partners. Consideration also needs to be given on how jointly we can support training with the Voluntary and Community sector

This Equality Analysis has highlighted the need to maintain improved monitoring systems and to make use of them to refine allocation policies and practice. The council will need to enhance its monitoring systems to provide a comprehensive framework capable of monitoring the specific outcomes of the Allocation Scheme 2013.

Changes to the Authority's scheme are likely to have differential impacts on those with protected characteristics, in particular the introduction of the preference being given to working households and those demonstrating a community contribution.

These are likely to have an adverse impact on people having protected characteristics, in particular the disabled but also some ethnic minorities.

We recognise the potential adverse impact on all applicants and the steps we have taken to mitigate these or to monitor actual trends in allocations are set out below.

The introduction of the iworld computer system for the Housing Allocations scheme has provided the opportunity to set up a series of reports that monitor the outcome of the new scheme by all the relevant equalities categories and to see how it was working in the following areas:

Nomination and referral systems;

Decisions about allocating housing between different types of applicant, for example applicants for transfer, homeless applicants, and applicants bidding or properties under 'choice-based' letting systems

Lettings (including 'choice-based' lettings), analysed by time spent waiting for an offer, number of offers made, acceptances, refusals, preferences (for location and type of accommodation), and quality

Local Letting Schemes.

In addition, there is the need to encourage all applicants to provide ethnic monitoring data to allow the council to be better informed about the residents for whom it is providing services. This monitoring system was in place when the new allocation scheme and Choice Based Lettings became operational in 2005 and has been instrumental in producing regular information since then.

The system has been developed to collect record and maintain performance information within the various protected characteristics and systems are in place to analyse and publish these findings.

The following evidence sources have been used to make the assessment (i.e. the *known evidence*):

Web information

Equality monitoring

1<sup>st</sup> May to the 1<sup>st</sup> July 2013 Housing Allocations review

Customer satisfaction survey

The existing nomination SLA with Social Housing landlords

Meetings with the Registered Providers

Potentially any of the following identified groups could be adversely affected by this Allocation Scheme, which still requires a human element in the allocation process. However, significant work has been put in place in introducing the system to monitor the activities of the service in order to deal with the potential negative impacts.

There is little or no evidence and little suspicion that there is any detrimental impact in respect of applicants and should complaints be made, these would be investigated through the complaints procedure and action taken as appropriate.

## **General issues**

Failure to regularly review the outcomes, especially for those applicants in priority need who are not engaging with the bidding process, could lead to certain applicants being disadvantaged. However, there are good support networks in place in Southwark to ensure that those who may be disadvantaged are supported to compete equally with all other applicants.

Potentially any of the identified groups could be adversely affected by the Choice Based Lettings scheme which still requires a human element in the allocation process. However, significant effort has been made to avert this by putting in place a system to monitor the activities of the service and to deal with potential negative impacts on all protected characteristic groups.

The housing options service is important to the council as it seeks to tackle housing need for some of the most vulnerable and marginalised sections of the community. It also sees the working household and community contribution award as central to delivering its community development and social cohesion objectives.

The council has balanced the needs of the various categories of applicants within the statutory guidelines and needs of Southwark.

There is little or no evidence and little supporting information or suspicion, that there will be any detrimental impact as a result the changes. However, the new Housing Allocations scheme will be monitored on a quarterly basis to assess the changes further . The Housing Allocations scheme will also be reviewed after a 12 month period to ensure it continues to meet best practice examples and ensure there are no unintended outcomes from the implementation of the new Housing Allocations scheme.

As noted in the report, the basic monitoring information and data either does not exist or is not consistently collected. We do not have current knowledge of the participation rates of potential social housing tenants in community activities nor do we have sufficient data about employment rates amongst the different sub groups of people with protected characteristics.

It is recognized that Southwark has an insufficient supply of larger suitable homes. This may impact negatively on larger families, which can often include those from some minority groups as well as those with members who have a disability.

The consultation framework for the new Housing Allocations scheme can be found at as appendix one to the Housing Allocations scheme report presented to Cabinet on the 16<sup>th</sup> July 2013.

The role of the Equality Analysis is to assess the likely impact of the revised preferences proposed under the new Housing Allocations scheme and to identify the evidence that Southwark must collect in order to satisfy itself that the new Housing Allocations scheme is working as intended.

The council is satisfied that in establishing the new Housing Allocations scheme, much has been done to address equality issues. The scheme has been arrived at after full consultation with the key stakeholders and their views influenced the final scheme. Procedures are in place to ensure that the service is compliant with the necessary legislation and codes of guidance.

The conclusion is that we have to proceed with the sensitive implementation of the new Housing Allocations scheme and review its impact having allowed at least 12 months operation. All reasonable steps and procedures to mitigate or avoid adverse impacts have been identified.

Southwark will commit to conducting a review of the full Equality Assessment after one year of full operation of the new Housing Allocations scheme.

Inherent prejudice amongst staff could lead to inequality in the treatment of customers. In order to mitigate against this risk customers are encouraged to feedback comments through satisfaction surveys and open questioning about the service provided. However, the satisfaction surveys need to be more sophisticated in terms of monitoring by the respective equalities characteristics which is not done at present. It is however, a requirement that all staff have to attend mandatory equality training.

**Section 3: Overview of service users and key stakeholders consulted**

| <b>2. Service users and stakeholders</b>  |  |
|---|--|
| <b>Key users of the department or service</b>                                   | As at the 31 <sup>st</sup> March 2013, 21,114 households were registered on the Housing Register. The service also works in partnership with community organisation, and customer representative support agencies. |
| <b>Key stakeholders were/are involved in this policy/decision/business plan</b> | All Housing Association partners, Citizens Advice Bureau, community organisations, local residents, Area Tenant Forums, Adult and Children’s Services, and Southwark Legal Advice Network.                         |

## Section 4: Pre-implementation equality analysis

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This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

**Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

### **Potential impacts (positive and negative) of proposed policy/decision/business plan**

There appear to be no specific issues relating to age.

Some older people are less likely to satisfy the Working Household criteria. Economic participation rates nationally vary amongst older people, falling significantly post 50. However, increasingly many older people are now working beyond traditional retirement age. This will also be mitigated by the community contribution award.

There is evidence that younger people find it easier to engage with the Choice Based Lettings process.

Internet accessibility for online advice in 2006 was 28% for people above the age of 65 has home internet access compared to UK average of 70%. It is estimated that 70% of households living in council or Housing Association properties have internet access.

There is evidence of upward trend in youth unemployment and the proposals of additional priority for working households may be a negative impact on young people aged 16 to 25.

### **Equality information on which above analysis is based**

The Housing Register consists 21,114 households and the information relating to the age of all 21,114 households has been considered during the Equality Analysis. Consequently there are 250 households who have applied for alternative accommodation in to sheltered accommodation and this represents 1.18% of all customers on the Housing Register. Consequently, 98.82% of the households on the Housing Register are below the pension credit age.

### **Mitigating actions to be taken**

There is clearly the potential for the elderly to be disadvantaged in a choice based lettings system. The Homelessness and Housing Options service and support agencies such as Age UK provide significant support to ensure this does not happen.

Close monitoring of this sector will enable specific issues for different segments of the older population to be identified and addressed appropriately.

Older people are generally less economically active, but the allocation of accommodation to people above the Pension Credit age will positively affect this section of society through the Sheltered Housing Scheme allocations.

Southwark employs officers in the Homelessness and Housing Options service to assist older and vulnerable customers to bid for example those with limited access to bid through the internet or limited IT skills. People can use the internet to bid for accommodation free of charge at council's buildings including, libraries and the One Stop Shops.

The Homelessness and Housing Options service employs officers to support customers through the bidding process, and free internet access is available at libraries and the One Stop Shops.

The Homelessness and Housing Options services employs an officer to identify housing and employment, education and training options for group to improve housing and employment opportunities.

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|---|
| <p><b>Disability</b> - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</p>   |
| <p><b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b></p>  |
| <p>There is potential for people with disabilities to be disadvantaged within the process, particularly those with mental illness.</p> <p>Records indicate that that as the 31<sup>st</sup> March 2013, 158 or 0.75% of customers on the Housing Register needed properties that have had adaptations to allow them to improve the quality of life.</p> <p>It must be recognised however, that specially adapted properties are in short supply. Details of all those which have been adapted are recorded on the iworld database and properties that have had major adaptations are advertised as available for applicants who have a need.</p> <p>Information is not currently available on the number of applicants with a disabled member who will qualify under the working household policy or the community contribution award policy and clearly this is something that must be closely monitored when the scheme goes live.</p> <p>There is evidence that employment rates for disabled people are lower than those who are not and the proposals around additional priority for employment may be a negative impact on this equality strand of customers.</p> |
| <p><b>Equality information on which above analysis is based</b></p>   |
| <p>Records indicate that that as the 31<sup>st</sup> March 2013, 158 or 0.75% of customers on the Housing Register needed properties that have had adaptations to allow them to improve the quality of life</p>   |

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| <b>Mitigating actions to be taken</b>  |
| <p>Significant steps are taken both to support applicants in making their initial application and subsequently in making their bids so as to ensure they suffer no disadvantage.</p> <p>The Homelessness and Housing Options service have also obtained the Chartered Institute of Housing Charter for Equality and Diversity during June 2013.</p> <p>Nationally, 53% of working age disabled people are in work compared to 70% of none-disabled people. Employment rates vary greatly according to the type of impairment a person has, for example people with severe or enduring mental health conditions have the lowest employment rate of any of the main groups of disabled people. According to the Office for Disability this is 16% for people with mental health issues compared to 43% for all disabled people of working age.</p> <p>Southwark's new Housing Allocations scheme actively promotes the needs of disabled groups by being designed to ensure that applicants with mobility needs are prioritised for accommodation that is suitable for their needs</p> |

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| <b>Gender reassignment</b> - The process of transitioning from one gender to another.   |
| <b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>   |
| <p>Transgender customers may be particularly at risk of housing crisis and homelessness arising from transphobic reaction by family, neighbours and members of the local community. This may make it difficult to obtain work or undertake formal voluntary work.</p>   |
| <b>Equality information on which above analysis is based.</b>   |
| <p>Unfortunately there is no equality data in this area collected by the service to analyse.</p>  |
| <b>Mitigating actions to be taken</b>   |
| <p>Applicants made homeless through a hate crime would be placed in to the reasonable preference groups for re-housing and therefore achieve the provision of alternative accommodation.</p> <p>However, gender re-assignment alone would not have any bearing on the ability to access social housing.</p> <p>Southwark will shortly collect this data from customers when the new housing application is launched on line in November 2013, but we have insufficient data at present.</p> |

**Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination.)**

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

There are no specific issues which are felt could discriminate or disadvantage married couples or those in civil partnerships other than general matters detailed elsewhere in this report.

**Equality information on which above analysis is based**

Analysis of the 21,114 households on the housing register.

**Mitigating actions to be taken**

**This area will be monitored on a quarterly basis to ensure there are no un-intended consequences from the introduction of the new Housing Allocations scheme**

**Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

There appear to be no specific issues relating to pregnancy and maternity within the provision of service or from the new Housing Allocations scheme.

**Equality information on which above analysis is based**

Analysis of the 21,114 households on the housing register.

**Mitigating actions to be taken**

**It is of course a disappointment to pregnant applicants that their case can only be awarded priority after the birth of a child but the position taken by the Council to award priority after birth is reasonable given the demand on family sized accommodation and this will also comply with the Welfare Reform Act 2012.**

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Nationally there is widespread concern about the allocation of scarce public housing resources across many ethnic groups. This can be damaging to community perceptions of unfairness relating to the allocation of social housing.

Local Lettings policies have the potential to impact the housing options of disadvantage groups and much has been written nationally on this. Ethnic minority communities often choose to live in close proximity. Reasons include being close to family and other cultural spaces such as religious and retail facilities. Local Lettings schemes will therefore benefit those members of ethnic minority communities who are working and who wish to exercise their choice to remain within their communities. This also supports the local economy.

Larger properties with three, four, five or six bedrooms are often a requirement of some racial groups and lack of availability could disadvantage some families.

The inclusion of the working household policy will offer increased priority to a small number of applicants already on the housing register. Therefore, the lower levels of economic activity amongst some ethnic minority communities are well documented. This is the case both nationally and locally. The Housing Allocations scheme mitigates this by recognising the tendency for too few working households to be re-housed.

Residents who do not qualify under the working household policy may be awarded Community Contributions awards. However, there are concerns that insufficient voluntary work and support exists in Southwark to allow some ethnic minority groups to engage in meaningful participation with organisations they feel are welcoming and inclusive to be able to effectively mitigate for this impact.

Poor quality information or language problems could impact negatively.

The introduction of a two year residential qualification criteria will have a positive impact for local people meeting the criteria, but will mean new resident arrivals to Southwark and or the UK will not be able to access the Housing Register.

Geographical distribution of different racial groups across the stock is now monitored in an attempt to ensure that choice does not lead to segregation. However as the system is based on choice this can be a difficult area to confront.

**Equality information on which above analysis is based**

Analysis of the 21,114 households on the housing register

## Mitigating actions to be taken

The Housing Allocations scheme contains specific rules about eligibility that are enforced for all applicants. The scheme incentivises voluntary work and employment that can both help to build community cohesion. It is also more transparent which in itself will help to communicate fairness.

The inclusion of the access to social housing to people contributing to their communities positively through voluntary work and employment will encourage applicants to play a more active role in their communities to increase their opportunities for being re-housed. Despite initial findings that there are no areas of serious concern this can only be tested once the scheme has been running for a period. On-going monitoring and review is therefore essential.

Alongside this however, is the continuing need to encourage all applicants to complete the ethnic monitoring data to allow the Council to be better informed about the applicants it is providing services for. This will be made a compulsory field on the new on line housing application that customers will have to complete this information to register on the housing register.

Customers made homeless through a hate crime would be placed within a reasonable preference priority band therefore achieve re-housing through the Housing Allocations scheme.

Southwark is fully aware that it will need to closely monitor the situation when the new Housing Allocations scheme goes live to assess the impact upon different racial groups.

The new Housing Allocations scheme will help to reduce inequality over the long term by encouraging such people to seek employment and thus starting to tackle areas of worklessness. This will have a positive impact on the majority of households across Southwark.

The policy recognises those employed as well as those seeking work and those recently employed for 16 hours or more out of 9 of the last 12 months and therefore will not unduly penalise those affected by the recession.

The Community Contribution award gives similar level of priority to working households so will help those who do not work to also gain priority,

As far as can be determined all applicants, regardless of racial group are given access to the same information about lettings with translations being made available on request.

**Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

## Possible impacts (positive and negative) of proposed policy/decision/business plan

Whilst the detailed recording of allocations by people of different faith groups can pin point adverse trends in relation to individual faith groups, the information should be treated only as an issue for further investigation since much will depend on the respective priorities of applicants and the particular areas they are aspiring to. Therefore, close monitoring of how the working household and community contribution award impacts in this area is essential to identify any

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| patterns that may arise  |
| <b>Equality information on which above analysis is based</b>   |
| Unfortunately there is no equality data in this area collected by the service to analyse                             |
| <b>Mitigating actions to be taken</b>  |
| <b>Please note that religion or belief alone would not have any bearing on the ability to access social housing.</b> |

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| <b>Sex</b> - A man or a woman.  |
| <b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>   |
| 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.   |
| <b>Equality information on which above analysis is based</b>  |
| Analysis of the 21,114 households on the housing register   |
| <b>Mitigating actions to be taken</b>   |
| <b>Applicants who do not qualify under the working household policy may receive additional preference under the community contributions award scheme. This is an area which will need to be closely monitored once the Housing Allocations scheme goes live from November 2013.</b> |
| <b>Please note Gender alone would not have any bearing on the ability to access social housing.</b>   |

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| <p><b>Sexual orientation</b> - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p>  |
| <p><b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b></p>   |
| <p>While many people identify as heterosexual, many people do not in the wider community. The Government estimates that approximately 6% of the population are gay men, lesbians or bisexuals.</p> <p>It is acknowledged that data on residents sexual orientation is unlikely to be accurate and on-going efforts should be made to encourage such information being given at the point of application</p>                                |
| <p><b>Equality information on which above analysis is based</b></p>  |
| <p>Unfortunately there is no equality data in this area collected by the service to analyse</p>  |
| <p><b>Mitigating actions to be taken</b></p>   |
| <p><b>The Homelessness and Housing Options service has achieved the Albert Kennedy Trust Accreditation. Therefore, the service should be well placed to identify and deal with potential discrimination. Specific training has been given to 100% of staff in the service on sexuality issues in June 2013.</b></p> <p><b>Please note sexual orientation alone would not have any bearing on the ability to access social housing.</b></p> |

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| <p><b>Human Rights</b></p> <p>There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol</p> |
| <p><b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b></p>  |
| <p>There is always the possibility in a personal service that people's freedom and opportunities are limited and hindered by prejudice, discrimination or arbitrary restraint.</p>  |

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| <b>Information on which above analysis is based</b>   |
| <b>Analyses of the 21,114 households on the Housing Register</b>  |
| <b>Mitigating actions to be taken</b>   |
| <p><b>Human Rights considerations are now mainstreamed within the service, and there is no evidence that individuals are being disadvantaged in terms of their human rights.</b></p> <p><b>The service is designed to give support to all applicants in registering and making bids and it is an important aspect of the service that whilst protecting privacy, residents should not feel isolated or excluded from the process. They should be involved as much as possible in the way the service is delivered and have full opportunity to express any views through satisfaction surveys and user panels etc. As the elderly and vulnerable are traditionally population groups missed from routine statistical monitoring surveys etc, it is important that support is given where appropriate to understand and complete documentation.</b></p> <p><b>The proposals do not impact on the Human Rights as defined by the Human Rights Act 1998.</b></p> <p><b>The proposals do not impact on the rights of children as defined by the UN Convention on the Rights of the Child.</b></p> |

## Section 5: Further actions and objectives

| <b>5. Further actions</b>  |  |  |  |
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| Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis. |  |  |  |
| <b>Number</b>  | <b>Description of issue</b>  | <b>Action</b>  | <b>Timeframe</b>                       |
| 1  | Non collection of data on customers religion and or belief   | To ensure the Housing Application contains this information  | From the 1 <sup>st</sup> November 2013 |
| 2  | Non Collection of data on the customers sexuality  | To ensure the Housing Application contains this information  | From the 1 <sup>st</sup> November 2013 |
| 3  | Non collection of data on gender reassignment for customers  | To ensure the Housing Application contains this information  | From the 1 <sup>st</sup> November 2013 |
| 4  | Undertake a detailed evaluation of the impact of the 2013, Housing Allocations scheme in late 2014 allowing 12 months of operation to monitor outcomes | Undertake a detailed evaluation of the impact of the 2013, Housing Allocations scheme in late 2014 allowing 12 months of operation to monitor outcomes | From 1 <sup>st</sup> July 2014.        |

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| 5 | Non collection of equality data generally                             | Improve consistency of the collection of equality data and ensure equality questions on the housing application are mandatory fields that have to be collected. | From the 1 <sup>st</sup> November 2013. |
| 6 | No equality monitoring reports on all protected characteristic groups | Design and implement the quarterly equality monitoring reports that will be produced  | From the 1 <sup>st</sup> November 2013. |
| 7 | No public information on the nature of the customers we re-house      | Produce a quarterly information bulleting covering all lettings and the customers housed  | From January 2014.                      |

#### 5. Equality objectives (for business plans)

Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.

| Objective and measure | Lead officer | Current performance (baseline) | Targets |         |
|-----------------------|--------------|--------------------------------|---------|---------|
|                       |              |                                | 2013/14 | 2014/15 |
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