

Equality Impact Analysis Initial Screening Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one– with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	2011/2012
Name of policy, strategy, function, project, activity, or programme	New Policy Introduction of Interim Guidance to Social Landlords on the Affordable Rent Tenure in LB Hammersmith & Fulham
Q1 What are you looking to achieve?	<p>The primary function of this report is to provide guidance to Registered Providers (Housing Associations) in the borough on the setting of rents for the new affordable rent tenure in the borough on both new build and relets. In summary, affordable rent is replacing social rent for new build properties and converting some social rent to affordable rent when they become vacant. By keeping the proposed affordable rents in these units within housing benefit levels, people who are welfare dependent are still able to access affordable rent properties as they would have been able to access social rent properties. In this respect, where groups are more likely to be welfare dependant, the proposed interim guidance for new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as the existing housing situation of individuals will not be affected.</p> <p>It is anticipated that from September 2011, when Registered Providers enter into contractual arrangements with the Homes and Community Agency, they will be able to let new affordable rent units at rents up to 80% of open market value as well as convert existing social rent tenancies when they become vacant as affordable rent properties. The reason for this new approach is that the Homes and Community Agency are lowering by almost 75% their capital grant to Registered Providers to provide new affordable housing and expecting this loss of capital grant to be made up by Registered Providers charging up to 80% on the new affordable rent tenure.</p> <p>It is not known how many existing social rent dwellings Registered Providers in the borough intend to convert on vacant possession in the borough. In 2010/11 Registered Providers provided 181 social rent relets to the Council for Council nominations.</p> <p>In order to ensure that both those on Housing Benefit and working households on intermediate incomes (up to household incomes of £74,000 pa) can access the new affordable rent tenure, officers are recommending that the Council give guidance to Registered Providers that the rent charged is set at no more than existing Housing</p>

	Benefit Levels for all bed sizes. This will enable those on welfare benefits and those working on intermediate incomes to be able to access the new affordable rent tenure. If the Council agreed to rent levels at 80% open market rent then those dependent on housing benefit and working households on intermediate incomes may not be able to afford to access affordable rent dwellings particularly on larger family sized accommodation.						
<p>Q2 Who in the main will benefit?</p>	<p>The capping of rents to Housing Benefit levels for the new affordable rent tenure will have some different effects on different groups, as given below, but officers consider that there are two main benefits to all residents:</p> <ol style="list-style-type: none"> 1. Increasing the rent for some of their properties will enable Registered Providers to continue developing affordable housing. Without this increase, registered Providers would be severely restricted in their ability to develop as they would not have the necessary resources to fund new development given the HCA's policy to significantly decrease capital funding. 2. The capping of rents will make the affordable rent units affordable to residents in the borough seeking rented intermediate housing. At the same time it will ensure that rents are affordable to those in receipt of full housing benefit. <p>The figures below are taken from the Council's H&F Homebuy Team's waiting list, where data is collated on protected characteristics, the Council's Strategic Housing Market Assessment and also from the Borough Profile 2010, which can be accessed via this page:</p> <p>http://www.lbhf.gov.uk/Directory/Council_and_Democracy/Plans_performance_and_statistics/Statistics_and_census_information/Borough_profiles/41255_Borough_Profile.asp</p> <p>It should be noted that the data from the H&F Homebuy Team's waiting list does not necessarily reflect housing need, as some people may remain in their existing housing situation while they wait for a housing opportunity. That is, it should not be confused with the Council waiting list, which does indicate need.</p> <table border="1" data-bbox="524 1209 2098 1430"> <tr> <td data-bbox="524 1209 759 1430">Age</td> <td data-bbox="759 1209 1848 1430">The Council's H&F Homebuy Team maintain a waiting list of those expressing an interest in low cost home ownership or intermediate rented accommodation. The waiting list has 3,548 households. Whilst the majority are aged between 30 and 65, nearly a third (1034) are in the age group 18 to 30, over half these households have incomes above £ 30,000 per annum. The availability of the affordable rent product could therefore</td> <td data-bbox="1848 1209 1975 1430">H</td> <td data-bbox="1975 1209 2098 1430">+</td> </tr> </table>			Age	The Council's H&F Homebuy Team maintain a waiting list of those expressing an interest in low cost home ownership or intermediate rented accommodation. The waiting list has 3,548 households. Whilst the majority are aged between 30 and 65, nearly a third (1034) are in the age group 18 to 30, over half these households have incomes above £ 30,000 per annum. The availability of the affordable rent product could therefore	H	+
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		<p>increase opportunities for those households in these age groups to access intermediate housing.</p> <p>Less than half of 1% (17) of this waiting list are over 60 and therefore the affordable rent tenure will have marginal impact. 4 of the 17 households in this group has incomes above £ 30,000 pa. The availability of the affordable rent product could therefore increase opportunities for those households in these age groups to access intermediate housing.</p> <p>The majority of those in urgent need of housing on the Council's waiting list are aged between 25 and 64. (64%) Those aged under 24 total 54 (8%) and those aged over 64 total 174 (28%). Those on Bands A and B on Locata have high welfare dependency and therefore by ensuring affordable rent levels are maintained within Housing Benefit thresholds could benefit such households.</p>	L	+
			L	+
	Disability	<p>There is no indication that the proposed affordable rent levels will in principle disadvantage disabled people or those with physical or mental ill health. This is because by ensuring that affordable rent levels are kept within existing housing benefit levels, and disabled households or those with a physical or mental ill health will still be able to access the affordable rent product .</p> <p>People with disabilities do access intermediate housing. The Council has helped 16 households from this group to buy a home since 2007. Data from 2010 shows 99 people of the total 3471 active members on the Council's Home Buy Register are people with disabilities . This equates to 2.85%. In comparison with the Borough Profile, which gives the proportion of people with limiting long-term illness as 14.7%, disabled people are under-represented on the register. In this respect, for the small number of disabled people on the register who would be able to afford the affordable rent as proposed, it would be positive.</p>	L	+
Gender reassignment	<p>There is very little data on gender re-assignment of Council tenants or members of their household. That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of changing gender from male to female or vice versa</p>	L	Neutral	

		or at partial stages in that process.		
	Marriage and Civil Partnership	The Council has limited data on the marital status of its tenants or members of their households. That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of whether they are married, single, divorced, cohabiting or in a civil partnership.	L	Neutral
	Pregnancy and maternity	The Council has limited data on the proportion of its tenants or members of their households in this equalities category. The effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of being pregnant or being in the 26 weeks period post-birth of the child. whether they are married, single, divorced, cohabiting or in a civil partnership.	L	Neutral
	Race	<p>Of the 3,471 households on H&F Homebuy's waiting list who responded, 2060 households described their ethnic origin as other than white British, which is 59% of the total. This is disproportionate in comparison to the Borough profile, which gives the percentage of those in the 'other white' group as 22%. It should be noted that this group in this context constitutes people from Western and Eastern Europe, Australia and New Zealand, as well as groups such as Black, Asian, and Chinese.</p> <p>Of 'other white' group, 32% had an income of £ 30,000 per annum or more. The white British figure with an income of £30,000 or more from H&F Homebuy Team waiting list was 33 %. For these people, the new affordable rent levels would highly relevant, and remain affordable, which is positive.</p> <p>Those describing themselves as from an Asian ethnic origin had higher average incomes than those with Black, African, Caribbean or Black British ethnic origin. The availability of the affordable rent product could therefore</p>	H H	+ +

		<p>increase opportunities for those households to access intermediate housing. For these people, the new affordable rent levels would highly relevant, and are affordable, which is positive.</p> <p>For the 68% of those describing themselves as having an ethnic origin other than White British with an income of less than £ 30,000 pa and for the 67% describing themselves as White British, also with incomes of less than £ 30,000 pa, the new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as their existing housing situation will not be affected. It would therefore be of low relevance to this group and have a neutral impact</p> <p>In relation to the Housing waiting list of 559 households in urgent need (Locata bands A&B) for whom data is held, 312 (56%) describe their ethnic origin as other than white British. Those on Bands A and B on Locata have high welfare dependency and therefore by ensuring affordable rent levels are maintained within Housing Benefit thresholds could benefit such households. If non urgent need is included (Band C of Locata) of 4495 for whom data is held, 3450 (76%) describe their ethnic origin as other than white British. Again, the new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as their existing housing situation will not be affected. It would therefore be of low relevance to this group and have a neutral impact</p>	L	Neutral
			L	Neutral
	Religion/belief (including non-belief)	<p>There is very little data on the religious persuasion of Council tenants. As a group Council tenants are ethnically diverse from which it might be inferred that a broad cross-section of world religions are represented in the tenant population. Ethnicity and nationality are not inevitable markers however of a particular faith or of belief or non-belief for that matter.</p> <p>That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of holding a particular religious belief or the lack of one.</p>	L	Neutral
Sex	57% (2061) of H&F Homebuy Waiting Lists are female and 43% male (1533). Of these totals 1132 female led households and 964 male led households have incomes above £ 30,000. Therefore the new affordable			

		<p>rent product could provide increased opportunities in almost equal measure to both male and female led households to access intermediate rented housing. For these men and women, the new affordable rent structure would highly relevant, and remain affordable, which is positive.</p> <p>In relation to the housing waiting list, for households in most urgent need, bands A and B of Locata, female led households represent 68% of the total against 33 % male, if Band C is included the female led households represent 67%. Those on Bands A and B on Locata have high welfare dependency and therefore by ensuring affordable rent levels are maintained within Housing Benefit thresholds could benefit such households. Again, the new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as their existing housing situation will not be affected. It would therefore be of low relevance to this group and have a neutral impact</p>	H	+
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	Sexual Orientation	The Council has limited data on the breakdown of its tenants and their household members by sexual orientation. That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain purely on account of sexuality	L	Neutral
	<p>Human Rights and Children's Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998?</p> <p>Yes Article 8 (Right to respect for your family life, home and correspondence), Article 14 (Right to freedom from discrimination in respect of these rights and freedoms). It is considered that these would be positively impacted by the proposed policy.</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)?</p> <p>Yes:</p> <ul style="list-style-type: none"> ▪ The right to have their views respected, and to have their best interests considered at all times <p>It is considered that these would be positively impacted by the proposed policy..</p>			
Q3	Yes in some cases, and it will have no effect or resultant change in some other cases			

<p>Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>The initial screening above assesses the interim guidance as being broadly of neutral relevance to most protected characteristics, albeit this is more complex for Age, Race and Sex, where different aspects of the policy will be more relevant to different groups within these protected characteristics than to others. In some cases, as given above, this will have a positive impact, and in other cases it will be neutral.</p> <p>Breaking this down further, for some age and race groups, there could be some slightly positive impacts as the new affordable rent product will give them potentially greater opportunity to access intermediate housing.</p> <p>However for working households on incomes of less than £ 30,000 pa there is likely to be neither a positive or negative impact as they would be unlikely to be in a position to afford the affordable rent tenure but the policy will not affect their existing housing situation.</p> <p>This is a new product that will affect relatively few properties in its first year. The recommendation in the report is that the policy is reviewed in a year's time to assess what impact and affect the new product and the adopted rent levels have had. This will be particularly relevant as by then, the Government's intentions regarding Welfare Reform and Universal Credits are expected to be more firmly worked up and the policy recommended in this report may require amending in light of any future policy changes.</p>
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?</p>	<p>No</p>