

LBHF Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has 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, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should 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.
5. 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 Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document (link), as well as from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430

LBHF Equality Impact Analysis Tool - Proposed Council Housing Tenancy Agreement

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012/13 Quarter 4
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Proposed Changes to Council Housing Tenancy Agreement and Revised Forms of Tenancy Agreement for new tenants</p> <p>Short summary:</p> <p>On October the 15th 2012 Cabinet approved the recommendations of ‘The Building a Housing Ladder of Opportunity’ which included the approval of a new Tenancy Strategy for the borough. The 2011 Localism Act placed a duty on local authorities to produce a revised Tenancy Strategy in order to set out the approach to social housing tenure reform. The Tenancy Strategy sets out:</p> <ul style="list-style-type: none"> • That fixed term tenancies would be adopted by the authority in its landlord role • That fixed term tenancies to be adopted by private registered landlords • The circumstances in which tenancies will be reviewed. <p>One of the overriding principles of the Tenancy Strategy is to introduce a housing approach which is more realistic, fair and affordable, reflecting more closely what the Council, as a local housing authority, is able to do in order to meet both housing need and aspiration. By granting fixed term tenancies, registered providers will be able to regularly review household needs and ensure that the affordable homes that are available are allocated to those households who most need them and making best use of the homes that are available.</p> <p>Building on from the approved Tenancy Strategy, the Council has amended its Tenancy Agreement accordingly and consulted with all 12,500 Council Housing tenants in the borough on the proposed changes. The six week consultation period commenced on 10th September 2012 and closed on Friday 19th October 2010.</p> <p>Tenants had the opportunity to submit their views in writing either by way of the freepost return form or by contacting the Housing Consultation email address, or by telephone to a team of three Officers who recorded all questions and feedback. Tenants and tenants’ representatives were also invited to attend the Borough Forum meeting on 25th September 2012 where the Lead Officers gave a presentation on the proposed changes and fielded a questions and answer session. Lead Officers attended the local area forums and sheltered forum meetings which took place in September 2012. Tenants Associations were also given the opportunity to conduct their own meetings that a Lead Officer could attend if required.</p>

	<p>By amending the Tenancy Agreement to reflect the Tenancy Strategy the Council is providing the mechanism to deliver its agreed objectives in this area. An equalities impact assessment of the proposed changes to the Council Housing Tenancy agreement has been carried out to ensure that the proposals do not disadvantage residents who can be defined as having protected characteristics under the Equalities Act 2010.</p> <p>Note: If your proposed strategy will require you to assess impact on staff, please consult your HR Relationship Manager. NOT APPLICABLE</p>
Lead Officer	<p>Name: Mark Brayford Position: Head of Client Management Email: mark.brayford@lbhf.gov.uk Telephone No: 0208 753 6652</p>
Date of completion of final EIA	28/11/12

Section 02	Scoping of Full EIA
Plan for completion	<p>Timing: The EIA and tenant consultation process has informed recommendations in the Tenancy Agreement Cabinet report.</p> <p>Resources: Officer time; and data and statistics were originally set out in the Tenancy Strategy annex of the Cabinet report and the associated EIA for the Building Ladder of Opportunity Cabinet report of the 15th October. The sources of information were drawn from the Council's Performance Team and borough-wide socio economic statistics were drawn from corporate sources.</p>
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.</p> <p>Analysis of the protected criteria below refers predominantly to specific aspects of the Tenancy Strategy that defines the conditions that are laid out in the draft tenancy agreement. The Tenancy Strategy clearly states that the Council will seek to ensure that the views of all identified groups are heard and, where possible incorporated, when formulating the final tenancy agreement. This EqIA is a key tool in this process.</p> <p>The Tenancy Strategy sets out the Council's approach to flexible tenancies. The Strategy outlines a range of fixed term tenancies – from two to five years – which the Council intends to grant in its role as a registered provider of</p>

affordable housing. It also provides guidance to other registered providers, principally housing associations, on fixed term lengths and levels of affordable rent that should be charged in the borough. Some tenancies will still be granted on a secure or assured (i.e., lifetime basis). Private Registered Providers (usually housing associations) are required to have due regard to the local housing authority's Tenancy Strategy when formulating their own tenancy and tenancy renewal policies. The large majority of the impacts described below relates to how the Council in its registered provider role intends to change the tenancies it intends to grant. It should be noted that many Private Registered Providers (usually housing associations) intend to continue granting 'lifetime tenancies' and therefore monitoring and evaluation of offering and take up of such tenancies will need to be undertaken. On the basis of a 'lifetime' tenancy being more attractive to applicants, the Council will need to ensure that it is not giving undue preference to certain groups of applicants when making offers of a tenancy to applicants.

The approach taken during the six week consultation process has been inclusive of all tenant groups. The use of a number of consultation methods (hard copy response form, email address, telephone, and face-to-face contact) has provided tenants with a number of options to express their views.

The statutory nature of the consultation documents meant that there was a considerable amount of information for tenants to note and understand. Officers who have been engaging with tenants who have telephoned to give their views have recorded instances where extra support is needed and ensured that this is provided. Written responses (both hard copy and email) have also been reviewed and a follow up questions and requests have been actioned.

When requested, Housing Officers have visited tenants to explain the proposed changes and to answers any individual questions and concerns. The facility to translate documentation into other languages has also been utilised on two occasions Arabic and Eritrean)

Protected characteristic	Analysis	Impact: Positive, Negative, Neutral
Age	<p><u>Types of Tenancy Agreement</u></p> <p>The Age characteristic is one of the principal areas of review for this proposed Tenancy Agreement EIA because there are a number of age specific variations in terms of the length of tenancy agreement that will be issued.</p> <p>1. Aged 65 & Over Secure 'lifetime' tenancies will be granted to applicants who are over 65 years old and/or wish to access sheltered housing. This is positive as this category will</p>	Positive & Negative

	<p>family members are in full or part-time education and the duration of the course that they are undertaking. Relevance: HIGH</p>	
	<p>4. Aged 18 – 25 & Receiving Services Under the Leaving Care Act Five year tenancies will be granted to 18 – 25 year olds who are entitled to receive services under the Leaving Care Act. The first year of this five year tenancy will be served as an introductory tenancy. This period of time will allow people in this age group who receive services under the Leaving Care Act the time to maintain their tenancy correctly and introduce greater flexibility to review their needs towards the end of the five year period. Relevance: HIGH</p>	Positive & Negative
	<p>5. Applicants with A History of Anti Social Behaviour or Violence Two year fixed term tenancies will be granted where the proposed tenant of any age has a history of anti social behaviour or has been convicted of, or pleaded guilty to, any offence of violence against a person or property. The proposed Tenancy Agreement now also has a number of tenancy conditions relating to harassment and domestic violence. Two year tenancies are proposed for this group to help ensure they are able to take on the responsibilities associated with sustaining a tenancy and to demonstrate an appropriate level of behaviour is adhered to. This is a benefit to the wider community and to the proposed tenant because more regular reviews and individual support will help to address any potential areas for improvement at an early stage. Relevance: HIGH</p>	Positive
	<p>6. Applicants with Special Housing and/or Health Needs Secure 'lifetime' tenancies will be granted for proposed tenants with special housing and/or health needs. The Council will convene a panel of senior Housing Officers who will have responsibility for designing and implementing the published criteria which will be applied. Relevance: HIGH</p>	Positive
	<p>7. Applicants from Economically Active Households (where a Local Lettings Plan has designated a special case for working households) Two year fixed term tenancies will be granted for economically active households of any age where the Council has designated a special case for</p>	Positive

	<p>working households in its Allocations Scheme or Local Lettings Plan. It is intended that the two year tenancy be a platform for stepping up to low cost home ownership. The aim of this is to incentivise economic activity and home ownership in the borough.</p> <p>Relevance: HIGH</p> <p>Review of Tenancy Agreement Assignment An applicant in category 2, 3, 5, 6, or 7 can seek a review of the offer of flexible tenancy agreement. The proposed tenant has twenty-one days from receipt of the notice stating the length of tenancy to request a review. The review will consider the decision on the proposed length of tenancy in accordance with the Council’s Tenancy Strategy and Housing Allocations Scheme. This appeals and review process promotes transparency, consistency, and fairness in the assignment of fixed term tenancies.</p> <p>Relevance: MEDIUM</p> <p><u>Tenancy Agreement Conditions</u></p>	Positive
	<p>Sheltered Housing Overnight Visitors The proposed Council Housing tenancy agreement states that Sheltered Housing tenants cannot have overnight visitors for longer than two nights in a week without written permission from the Sheltered Housing office. This tenancy condition will generally affect those over the age of sixty.</p> <p>Looking at the consultation feedback, thirty three tenants (4.3% of total respondents) in sheltered accommodation felt that they should be allowed to have guests to stay for more than two nights in a week without asking for permission from the Sheltered Housing service. Respondents cited examples of ill health and relatives who have are visiting and live a long way away as reasons why they do not believe that this proposed condition is reasonable.</p> <p>The Council has considered this feedback and in light of the consultation responses and the feedback that were received at Area, Borough, and Sheltered Forums, has proposed that the threshold for information the Sheltered Housing service is increased from 2 day stays to 5 day stays in a week requiring permission. It should also be noted that requests by Sheltered Housing tenants for permission for stays longer than 5 days will be reviewed on a case by case</p>	Positive

		<p>basis.</p> <p>Between 2010 and 2031, the population aged 50 to 64 by 37%, the population aged 65 to 79 by 15% and the population over 80 by 23%. The inclusion of this condition in the proposed Tenancy Agreement can also be seen as a positive benefit for Sheltered Housing tenants in order to combat the risk of overcrowding in Sheltered Housing accommodation and to safeguard vulnerable members of the community. Relevance: MEDIUM</p> <p>Running a Business from Home The proposed Tenancy Agreement states that tenants can run a business from home as long as they have obtained written permission from the Housing Department. Permission will only be refused if it is likely to cause a nuisance or annoy other people, or damage property. This tenancy condition will generally be a benefit to those of working age 18 – 65, although it is recognised that there are a significant number of people over the age of 65 who now choose to continue working and there is now legislation to support their choice. This tenancy condition promotes the creation of small businesses that can operate from home. It is envisaged that these businesses would typically be a one-person, desk-based business often using information technology to operate.</p> <p>The Council seeks to encourage entrepreneurial spirit and to support appropriate start up businesses that can successfully function at home. It is important that a clearly defined list of acceptable and unacceptable business ventures from home is established so that a consistent and fair approach is adopted when either granting or declining permission. This list should be published on the internet so that tenants can understand the criteria that they must adhere to in advance of making an application. Relevance: MEDIUM</p> <p>Transferring your tenancy (Sheltered Housing) The proposed Tenancy Agreement states that Sheltered Housing tenants can only transfer their tenancy to a person eligible to live in Sheltered Housing. This tenancy clause disadvantages those between the ages of 18 – 60 who do not have access to Sheltered Housing properties. The Housing Department recognises the importance of maintaining Sheltered Housing stock specifically</p>	<p>Positive</p> <p>Positive</p>
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		<p>for those tenants who match the relevant criteria and have a need for Sheltered Housing. Sheltered Housing blocks often comprise vulnerable residents and it would not be appropriate for properties to be allocated on a General Needs basis. General needs applicants will be given the appropriate support and advice to assist with their housing application.</p> <p>Relevance: LOW</p> <p>Right to Buy (Sheltered Housing) The proposed Tenancy Agreement states that Sheltered Housing tenants do not have the right to buy their property. This tenancy clause disadvantages those over the age of 60. The Housing Department recognises the importance of maintaining Sheltered Housing stock for those most in need and currently seeks to retain existing properties for provision to future applicants. Selling Sheltered Housing Stock would also mean that the Council could no longer control who would reside in the sold properties. As stated above, Sheltered Housing blocks often comprise vulnerable residents and it would not be appropriate for properties to be inhabited by General Needs occupants.</p> <p>Relevance: MEDIUM</p> <p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard the Age protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be more confident in identifying potential cases.</p> <p>Relevance: MEDIUM</p>	<p>Positive & Negative</p> <p>Positive</p>
	Disability	<p>The Disability characteristic is one of the principal areas of review for this proposed Tenancy Agreement EIA to ensure that vulnerable groups will not be adversely disadvantaged by the proposed changes. When considering the</p>	

	<p>disability protected characteristic the following considerations take into account both mental and physical disabilities. In each case it is highlighted whether the paragraph is referring to mental, physical, or both types of identified disability.</p> <p><u>Types of Tenancy Agreement</u></p> <p>Secure Tenancy (Mental & Physical Disability) The Tenancy Strategy proposes that applicants with disabilities and/or special housing or health needs should continue to be granted secure tenancies. This provides a level of stability and support to vulnerable members of the borough, ensuring that they are not adversely disadvantaged by the introduction of fixed term tenancies for new tenants.</p> <p>The Council will have due regard to the multiple needs of applicants and will liaise with other departments of the council, principally Children’s and Adults’ Services. The onus will be on the applicant, or the applicant’s support agency, to inform Housing Options of any needs and existing contact they have with other council officers to ensure the respective needs can be taken into account. The Council understands the scale and scope of some vulnerable households needs. The Council will seek to ensure that necessary advice and support is made available.</p> <p>Relevance: HIGH</p>	Positive
	<p><u>Tenancy Agreement Conditions</u></p> <p>Succession (Physical Disability) The Council is committed to retaining where possible housing that has been built and/or adapted for use by disabled tenants. The tenancy agreement seeks to ensure continued provision of properties with disabled adaptations remaining in the lettings pool. The Council will therefore reserve the right to offer alternative accommodation to a remaining general needs tenant who may ordinarily be able to succeed to the tenancy. In this scenario, any new tenancy will be granted on similar terms to the original and reflect their current housing need. For example, where the original household need was three bedrooms and the changed housing need is two bedrooms, then the household will be offered a two bedroom property. Any such decision can, however, be the subject of appeal to</p>	Positive

	<p>a panel of senior Housing Managers.</p> <p>The Council will seek to ensure that the implementation of the agreed revised Tenancy Agreement will meet the 2010 Equality Act requirements and will continually review and update its procedures and working practices where necessary.</p> <p>Relevance: MEDIUM</p>	
	<p>Running a Business from Home (Mental & Physical Disability)</p> <p>The proposed Tenancy Agreement states that tenants can run a business from home as long as they have obtained written permission from the Housing Department. Permission will only be refused if it is likely to cause a nuisance or annoy other people, or damage property. This tenancy condition could potentially benefit disabled tenants who may be able to explore options to work from home. This tenancy condition promotes the creation of small businesses that can operate from home and is an inclusive tenancy condition that could positively increase opportunities for disabled tenants. It is envisaged that these businesses would typically be a one-person, desk-based business often using information technology to operate.</p> <p>The Council seeks to encourage entrepreneurial spirit and to support appropriate start up businesses that can successfully function at home. It is important that a clearly defined list of acceptable and unacceptable business ventures from home is established so that a consistent and fair approach is adopted when either granting or declining permission. This list should be published on the internet so that tenants can understand the criteria that they must adhere to in advance of making an application.</p> <p>Relevance: MEDIUM</p>	Positive
	<p>Storage of Motorised Mobility Scooters in Communal Areas (Physical Disability)</p> <p>The proposed Tenancy Agreement stipulates that tenants must have permission from the Council to store motorised mobility scooters in communal areas. This promotes safety and wellbeing and is intended to help make sure that emergency services can access the property in an emergency. A neutral rating has been given because in certain cases where communal walk ways are being</p>	Neutral

	<p>blocked tenants may be asked to re-locate their motorised mobility scooters, which may cause additional inconvenience. Every effort will be made to ensure that an equitable solution is found to such cases and individual circumstances will be taken into consideration for every situation</p> <p>Relevance: MEDIUM</p>	
	<p>Dogs, Pets, and Other Animals (Physical Disability)</p> <p>The proposed Tenancy Agreement states that tenants must not keep a dog without written permission. Several consultation respondent enquired whether this clause was relevant for Guide Dogs for those who are partially sighted. The Council recognise the importance of Guide Dogs to these members of the community and would always seek to grant permission and allow Guide Dogs to be kept in Council properties unless there were any additional circumstances to be considered. Each situation will be dealt with on a case by case basis, but reference to Guide Dogs is also being considered for inclusion in the Tenancy Agreement following consultation feedback.</p> <p>Relevance: HIGH</p>	Positive
	<p>Harassment (Mental & Physical Disability)</p> <p>The Tenancy Strategy has the potential to positively impact on people who have a mental or physical disability. The Draft Tenancy Agreement (Part 1) features a new group of people who should not be harassed by a council tenant, including household members or visitor of the household. This list includes tenants who have a disability or diagnosed with a mental health issue. The development of procedures and working practices needs to outline what the consequences for the perpetrator of such harassment (if proven) will be.</p> <p>Relevance: MEDIUM</p>	Positive
	<p>Tenancy Support Pack</p> <p>There were a number of critical comments about the clarity of the consultation pack. Two hundred and eighty-seven respondents (37.2% of the total responses returned signed draft tenancy agreements that were provided as part of the consultation information. While it was clearly stated in the accompanying letter that this was not a requirement of the consultation process, it does suggest that some tenants may have struggled to understand the information that they were presented with. One hundred and fifteen respondents (14.9% of the total</p>	Neutral

		<p>responses) also contacted the consultation helpline for clarification on which one of the consultation documents needed to be completed and returned.</p> <p>Both of these consultation findings indicate that the documentation that is developed as part of the Tenancy Support needs to be very clearly written and signpost other channels of support and advice. This document should be written in Plan English in order to be accessible to tenants with learning difficulties.</p> <p>Relevance: HIGH</p> <p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard the Disability protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be more confident in identifying potential cases.</p> <p>Relevance: MEDIUM</p>	Positive
	Gender reassignment	<p>The implementation of the Tenancy Agreement has the potential to positively impact on people who have transitioned or are transitioning. The Draft Tenancy Agreement (Part I 1) features a new group of people who should not be harassed by a council tenant, including household members or visitor of the household. This list includes those who have undergone or are in the process of gender reassignment. This is intended to ensure that tenants do not harass this equality group.</p> <p>The development of procedures and working practices needs to outline what the consequences for the perpetrator of such harassment (if proven) will be.</p> <p>Relevance: MEDIUM</p>	Positive

		<p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard the Gender Reassignment protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be more confident in identifying potential cases. Relevance: MEDIUM</p>	Positive
	Marriage and Civil Partnership	<p>The implementation of the Tenancy Agreement has the potential to positively impact on people who are married or in a civil partnership. The Draft Tenancy Agreement (Part I 1) features a new group of people who should not be harassed by a council tenant, including household member or visitor of the household. This list includes those who are married or in a civil partnership. This is intended to ensure that tenants do not harass this equality group.</p> <p>The development of procedures and working practices needs to outline what the consequences for the perpetrator of such harassment (if proven) will be. Relevance: MEDIUM</p>	Positive
		<p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard the Civil Partnership protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be</p>	Positive

		more confident in identifying potential cases. Relevance: MEDIUM	
	Pregnancy and maternity	<p>The implementation of the Tenancy Agreement has the potential to positively impact on people who are pregnant or on maternity. 91% of single parent households of all age groups are headed by women, of whom only 16% are in full-time employment (2001 Census). The Draft Tenancy Agreement (Part I 1) features a new group of people who should not be harassed by a council tenant, including household member or visitor of the household. This list includes those who are pregnant or on maternity. This is intended to ensure that tenants do not harass this equality group.</p> <p>The development of procedures and working practices needs to outline what the consequences for the perpetrator of such harassment (if proven) will be. Relevance: MEDIUM</p> <p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard the Pregnancy and maternity protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be more confident in identifying potential cases. Relevance: MEDIUM</p>	<p>Positive</p> <p>Positive</p>
	Race	<p><u>Types of Tenancy Agreement</u></p> <p>In the 'Age' section above, it is highlighted that 18-25 year olds will be granted 2 year fixed term tenancies in the first instance, which may lead to the granting of a longer 5 year tenancy at a later stage. 52% of Council lettings in 2011/12 were to ethnic minority groups and therefore the granting of fixed term tenancies to</p>	Negative

		<p>future tenants is likely to have a relatively modest negative impact on people from race protected groups. Given that a proportion of lettings are made to young people in housing need, it can be assumed that a significant proportion of 2 year tenancies will be granted to applicants from ethnic minority backgrounds. The Council in all its work will seek to ensure that the specific needs and aspirations of equality groups relating to tenancy and tenancy renewal matters are in line with its statutory obligations. The Council will also seek to ensure that appropriate reasonable attention is given to specific requirements and needs of specific equality groups as they arise.</p>	
		<p>Relevance: MEDIUM</p> <p>Tenancy Support Pack There were a number of critical comments about the clarity of the consultation pack. With respect to birthplace, 34% of borough residents were born outside of England, Scotland, Wales or Northern Ireland in 2001 with those born in other current EU countries totalling 11,100. Two hundred and eighty-seven consultation respondents (37.2% of the total responses returned signed draft tenancy agreements that were provided as part of the consultation information. While it was clearly stated in the accompanying letter that this was not a requirement of the consultation process, it does suggest that some tenants may have struggled to understand the information that they were presented with. One hundred and fifteen respondents (14.9% of the total responses) also contacted the consultation helpline for clarification on which one of the consultation documents needed to be completed and returned.</p> <p>Both of these consultation findings indicate that the documentation that is developed as part of the Tenancy Support needs to be very clearly written and signpost other channels of support and advice such as translation services. This document should be written in Plan English in order to be accessible to tenants whose first language is not English.</p>	<p>Neutral</p>
		<p>Relevance: HIGH</p> <p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial</p>	<p>Positive</p>

		<p>control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard the Race protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be more confident in identifying potential cases.</p> <p>Relevance: MEDIUM</p>	
	<p>Religion/ belief (including non-belief)</p>	<p>The implementation of the Tenancy Agreement has the potential to positively impact on people, including those with religious or political beliefs. The Draft Tenancy Agreement (Part I 1) also features a new group of people who should not be harassed by a council tenant, including household member or visitor of the household. This list includes people with religious or political beliefs. This is intended to ensure that tenants do not harass this equality group.</p> <p>The development of procedures and working practices needs to outline what the consequences for the perpetrator of such harassment (if proven) will be.</p> <p>Relevance: MEDIUM</p> <p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard for the Religion/ belief (including non-belief) protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be more confident in identifying potential cases.</p> <p>Relevance: MEDIUM</p>	<p>Positive</p> <p>Positive</p>

		<p>Domestic Violence & Abuse Additionally, the proposed Tenancy Agreement includes a section on domestic violence and abuse which states that a tenant must not use or threaten to use violence or abuse (including physical or emotional abuse, or restricting financial control), or intimidate any person (including children) living in the property. If it is proven that actual or threatened domestic violence has taken place then the tenant could face legal action by the Council which could result in potential eviction. This could be an additional positive safeguard the Sexual Orientation protected characteristic group. Alleged victims will not always feel able or comfortable to freely disclose information. Clear and specific procedures need to be developed so that staff understand what domestic violence is and can be more confident in identifying potential cases.</p> <p>Relevance: MEDIUM</p>	Positive
	<p>Human Rights or Children’s Rights If your decision has the potential to affect Human Rights or Children’s Rights, please contact your Borough Lead for advice</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998?</p> <p>Article 8 provides the right to respect for one’s established family life. It is a broad-ranging right that is often closely connected with other rights such as freedom of expression, freedom of religion, freedom of association and the right to respect for property. This includes close family ties, although there is no pre-determined model of a family or family life. It includes any stable relationship, such as marriage, civil partnership, or cohabiting relationships.</p> <p>Article 8 imposes two types of obligations on the state and public authorities:</p> <ul style="list-style-type: none"> • a negative obligation not to interfere with an individual’s private life, family life, home and correspondence • a positive obligation to take steps to ensure effective respect for private and family life, home and correspondence, between the state and the individual, the individual and private bodies, and between private individuals through law enforcement, legal and regulatory frameworks and the provision of resources. <p>The detailed analysis provided in the nine protected characteristics above explores both of these obligations. On the one hand, the introduction of fixed term tenancies could be seen to potentially affect a tenants right to a home. The tenancy review period will, however, be conducted around nine months before the end of the tenancy term, giving</p>		

	<p>tenants significant time to plan for their future arrangements. The review will take into account the tenant's current circumstances (including health and employment), financial resources, and their contribution to the community and in a the number of cases will often result in granting of another fixed term tenancy. The introduction of fixed term tenancies and the review process introduce a fairer approach to the allocation of social housing and demonstrate the most effective use of what will remain a limited resource.</p> <p>By introducing and strengthening tenancy conditions on harassment, domestic violence and nuisance and behaviour the proposed Tenancy Agreement makes a positive contribution towards enhancing respect for private and family life.</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>
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Section 03	<p>Analysis of relevant data Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.</p>
Documents and data reviewed	<p><u>LOCAL DEMOGRAPHICS OF EQUALITY TARGET GROUPS</u></p> <p>The following summary of the demographic situation in relation to each of the equality groups is based on the 2011 Census. This provides a starting point for the analysis of likely impacts of the PDCS on these groups.</p> <p>Population</p> <p>The borough population was measured at 165,242 at the time of the 2001 Census making Hammersmith & Fulham the fourth most densely populated local authority in England and Wales. Current estimates of population from 2008 show that the borough's population has risen to 172,200.</p> <p>The population of the borough is relatively young and ethnically diverse. It is also a highly mobile population with about half of all households having moved in the previous five years.</p> <p>It is projected by the GLA (2011), taking account of the borough's housing target of an additional 615 dwellings per annum, that the population will increase from 188,235 in 2011 to 208,683 in 2031 (an 11% increase).</p> <p>Households The borough has a high proportion of single people, the second highest proportion (54.7%) of any local authority in</p>

England & Wales and 43% of all households consist of one person households in 2008 (DCLG 2008).

It is projected by DCLG (2008) that households will increase from 76,000 in 2011 to 82,300 in 2031 (an 8% increase). It is projected that the main growth in number of households will be in 'one person' households (21% up to 2033), while the number of 'co-habiting couples' households will decrease by nearly 11% between 2008 and 2033.

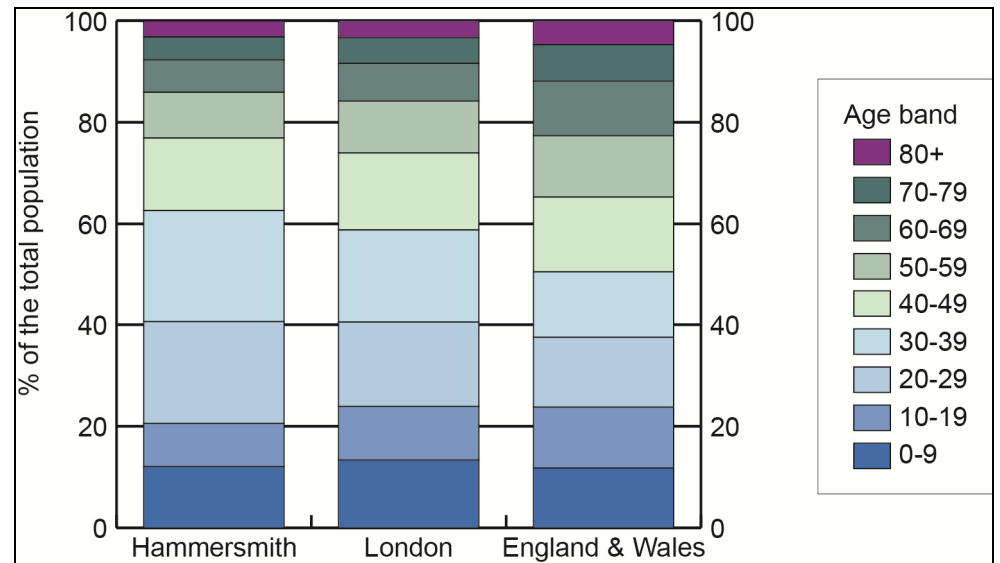
Age

In 2010, nearly half of the population (42%) is between 20 and 40 years old which is significantly higher than the London (35%) and the country (27%) averages (Source: ONS, 2010 mid-year estimates).

Between 2010 and 2031, the population aged 20 to 49 is expected to grow by 6.5%, the population aged 50 to 64 by 37%, the population aged 65 to 79 by 15% and the population over 80 by 23%.

In 2010, the borough had a higher proportion of young adults aged 25-39 (34%) than London (28%) and England and Wales (35%). Conversely, the proportion of children and young adults (0-24) in the borough is lower than in London (29%) and England and Wales (31%). Finally, 23% of the population is aged 50 or over, which is slightly lower than the London (26%) and country (35%) averages.

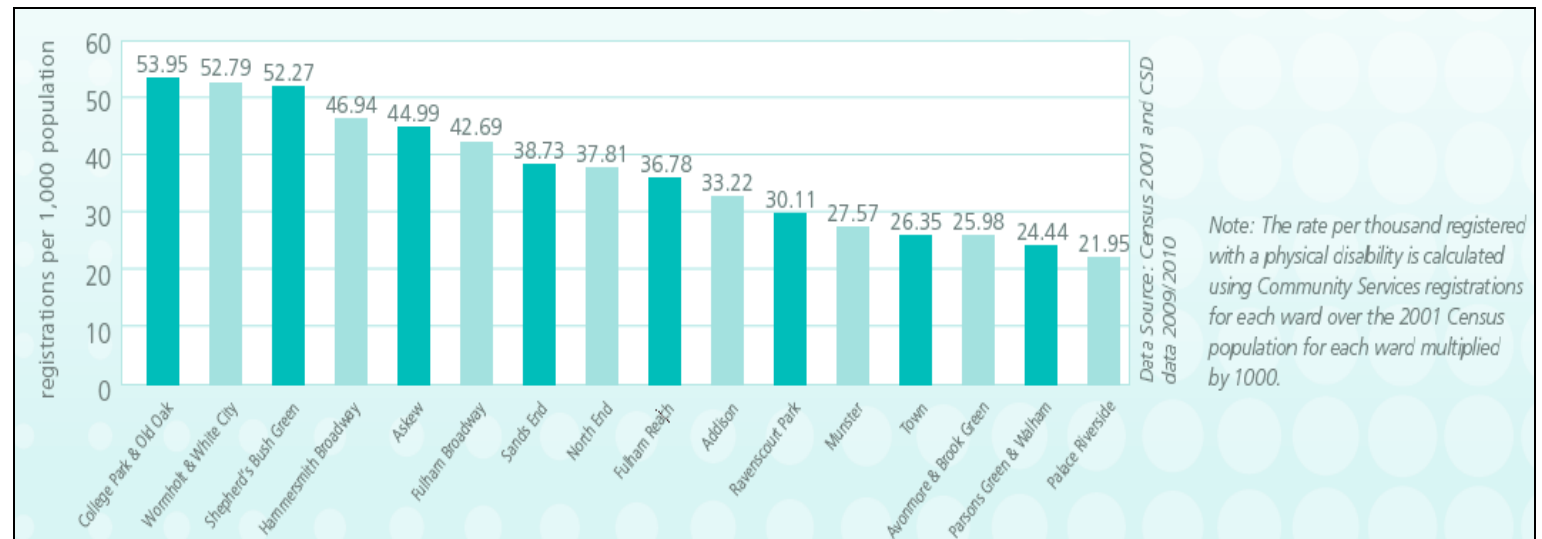
According to the H&F Carer's Strategy 2005-2010 and Experian Mosaic Data for the borough, older residents in the borough are more likely to live alone.



Disability

The rate of physical disability registrations for Hammersmith and Fulham as a whole is 37.3 registrations per 1,000 population. The 2001 Census data indicates that around 15% of residents in Hammersmith and Fulham have a limiting or long term illness. College Park and Old Oak has the highest rate of physical disability registrations in the borough (53.95). The five wards with the highest rates are all in the north of the borough; College Park and Old Oak, Wormholt and White City, Shepherd’s Bush Green, Hammersmith Broadway and Askew. Palace Riverside has the lowest rate of registrations in the borough. Physical disability registration is voluntary so the figures do not give a complete picture of disability within Hammersmith & Fulham. Ravenscourt Park Ward has the highest number of recorded visually impaired people in the borough due to a home for the visually impaired being located there.

We recognise that people with disabilities and those that support them may be represented in one or more of the other equality groups. The other related group that is usually referenced is age, in particular, we recognise that people with disabilities who can experience difficulty accessing services are often children and young people, older people, and those who may provide care for older and younger disabled people. As disability covers a broad spectrum, we also recognise that adaptations for people with mobility impairments may not make services accessible for people with sensory impairments, and that people with mental health or long-term limiting illnesses may have different requirements.

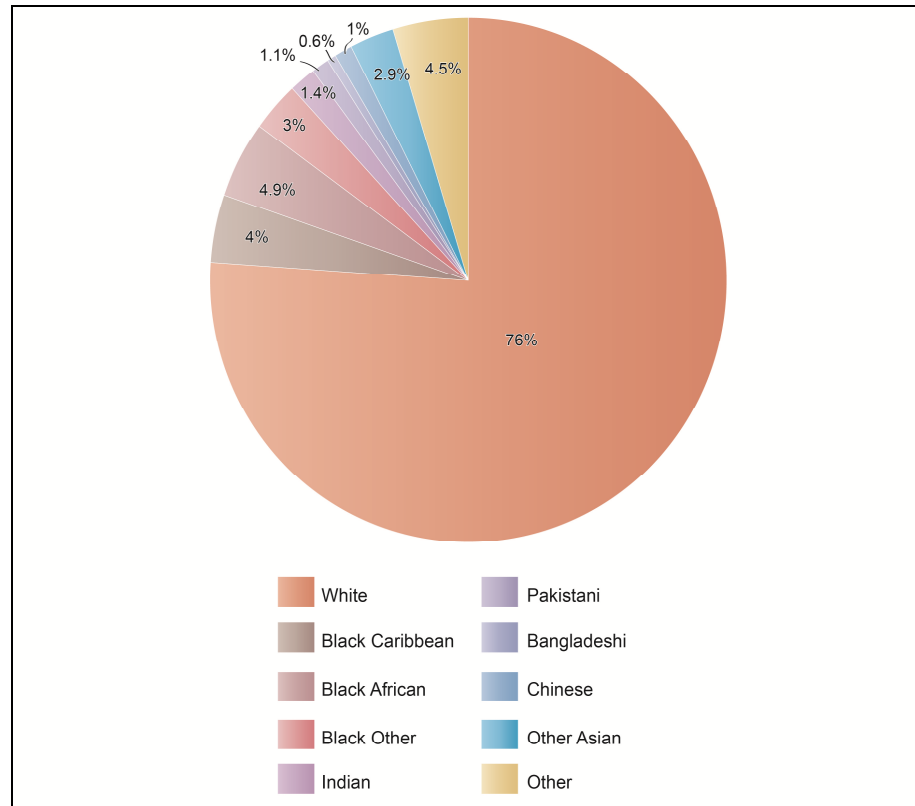


Number of people registered with a disability (Community Services registrations)

Race

According to the GLA 2010 round ethnic group population projections, 24% of the borough population in 2011 belonged to ethnic groups other than white. This represents an increase of 2% since 2001. The main ethnicity in the borough was 'white people' (76%) followed by people from 'black African' origin (4.90%) and the 'other'¹ group (see figure below).

In 2011, the white population represented 80% of the economically active population followed by the Black African ethnic group (4.4%) and the 'other group' (3.90%).



Ethnic groups in Hammersmith & Fulham (GLA 2010)

Religion

The religious profile of the Borough is less diverse than in London as a whole. In 2001, 63.6% of residents in the Borough were Christians, 6.8% were Muslim and 2.3% were other religions. This partly reflects the ethnic profile of

¹ The other group refers to the two ONS 2001 Census Ethnic Category: 'other mixed and Chinese or other.'

the Borough, with a higher White population who are predominantly Christian and a lower Asian population who have a more diverse religious profile. In 2001, 17.6% of residents in the Borough stated that they had no religion. This is similar to the proportion for Inner London (18.3%) and Greater London (15.8%).

It is noted that members of this population will also be represented through one or more other equality strands and that race and religion are often linked, meaning that impacts may be experienced by this group in more subtle ways.

Sexual Orientation (and transgender)

The nature of issues facing Lesbian, Gay, Bisexual and Transgender (LGBT) people is such that often, the voluntary sector has worked with those supporting transgendered or transitioning people as well. This is relevant when assessing impacts and looking at populations, for there are no official statistics on sexual orientation or gender identity, as these are not routinely captured by public bodies, and are not captured by the census. However:

“In 2005, the Department for Trade and Industry published a figure of 6% as the percentage of LGBT people in the general population... the number of LGBT people in London is thought to be anywhere between 6% and 10% of the total population, increased by disproportionate levels of migration. This equates to an urban population of between 450,000 and 750,000”

(Kairos in Soho, *London's LGBT Voluntary Sector Infrastructure Project*, 25:2007)

To put this in a local context so far as is possible, although there are no accurate statistics for the numbers of lesbian, gay and bisexual residents in the borough, the 2001 census recorded 568 people (or 1.1% of couples), aged 16 and over, living as same sex couples in Hammersmith and Fulham. In 2009 there were 49 civil partnerships in this borough. This gives us some of the picture but within the parameters of the DTI figures, we note that these local statistics may hide single LGB people, or LGB people who have not entered into civil partnerships. We do not have specific data on transgendered or transitioning people.

It is noted that members of the LGBT population will also be represented through one or more other equality strands, meaning that impacts will be experienced by this group in more subtle ways.

Gender and economic activity

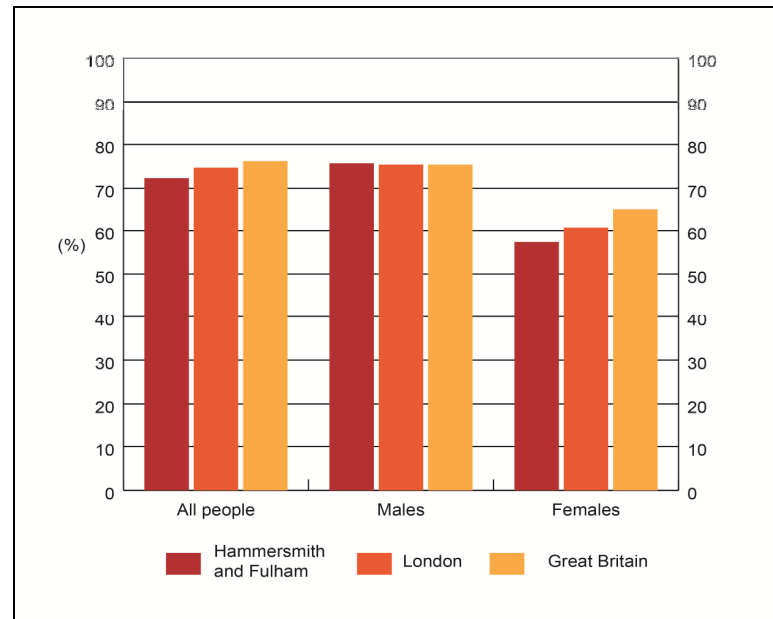
In 2010, there are more men in the borough than women (there are more women than men in London).

The 2001 Census indicates that there are more female headed households in the borough which represents a key equality gap for Hammersmith and Fulham. 91% of single parent households of all age groups are headed by

women, of whom only 16% are in full-time employment (2001 Census)

Women are less economically active than men representing respectively 62.8% and 81.4% in 2010. Those figures are lower than the London figures of 66.4% for women and 82.7% for men (Source: NOMIS).

Hammersmith & Fulham has a marginally higher proportion of male residents in employment (75.7%) than the London and national averages (75.4%), but has a lower proportion of female residents in employment (57.4%) than the London (60.7%) and national averages (65.2%).



Employment in Hammersmith and Fulham in 2010 (NOMIS)

New research

If new research is required, please complete this section
N/A

Section 04	Consultation
Consultation	<p>Details of consultation findings (if consultation is required. If not, please move to section 06)</p> <p>When the Council wishes to make changes to the Tenancy Agreement between itself and its social housing tenants it must formally consult with those tenants using a process and timescale as set out by The Housing Act 1985. The procedure for varying existing introductory and secure tenancies is contained in sections 102 and 103 of the 1985 Act.</p> <p>Section 102 of the Housing Act 1985 provides that a secure tenancy agreement may be varied either by agreement or by way of the procedure in section 103. The procedure in section 103 is as follows:</p> <p>The terms of an existing introductory/secure periodic tenancy may be varied by the Council by the service of a Notice of Variation on the tenant; however, before the Council can serve a Notice of Variation on the tenant, the Council must firstly serve a Preliminary Notice of Variation which:</p> <ul style="list-style-type: none"> • Informs the tenant of the Council's intention to serve a Notice of Variation; • Specifies the proposed variation/s and their effects; • Invites the tenant to comment on the proposed variation within a period considered reasonable by the Council. <p>The Council must consider any comments made by tenants within the consultation period, in this case 32 days before deciding to serve the Notice of Variation.</p> <p>Consultation documents relating to the proposed changes to the Council Housing Tenancy Agreement and revised forms of Tenancy Agreement for new tenants were issued on 10 September 2012 with a six week deadline for responses of 19 October 2012. The full set of documents comprised:</p> <ul style="list-style-type: none"> • An introductory letter from the Cabinet Member for Housing • Draft Tenancy Agreement • Preliminary Notice of Variation • Response Proforma • Prepaid Envelope <p>Tenants were invited to respond in a variety of ways, either by:</p>

- Detailing their comments on the response proforma and returning it in the prepaid envelope provided.
- Telephoning two dedicated Tenancy Agreement consultation officers via either a free phone telephone number or direct dial extensions, or leaving a message to express their views.
- Emailing their comments to a dedicated Tenancy Agreement consultation email inbox from where their comments were retrieved and recorded.

Analysis of consultation outcomes

Summary of Consultation Responses

The consultation on proposed changes to the Council Housing Tenancy Agreement and revised forms of Tenancy Agreement for new tenants attracted feedback from 771 respondents in total, broken down as 40 email responses, 196 telephone, and 535 written responses. This represents an overall response rate of 6.2% of the total 12,500 consultation packs that were sent out to tenants. These responses were all from existing tenants who will only be directly affected by the changes to terms, or tenancy clauses, in the proposed Tenancy Agreement. Sixty-nine responses related to changes to the draft tenancy terms and six related to the introduction of new forms of tenure known as flexible tenancies.

In many cases, respondents provided multiple comments on a number of different areas of the proposed Tenancy Agreement. There were over 850 comments made.

Seventy tenants, or 9.1% of total responses, expressed concern about their future security of tenure. It was clearly stated in the accompanying letter that the proposed changes to the tenancy agreement would not affect the security of tenure for existing Council tenants. This level of concern and uncertainty amongst almost 10% of respondents would again appear to be driven by not understanding the information correctly, or perhaps this is linking in with sentiment at a national level regarding proposed changes to the provision and allocation of social housing as past in the Localism Act 2011.

Twenty tenants (2.6% of total respondents) stated that they were concerned that it was unreasonable to expect them to inform their Housing Officer if they were going to be away from their property for more than 3 weeks. It was felt by some tenants, especially those with relatives living abroad, that three weeks was not a long enough time period to need to inform the Housing office that they are going away. A number of tenants cited that at least once a year they are going abroad to visit relatives for a one month period at a time. The introduction of the tenancy condition to inform the Housing office if away for more than three weeks may therefore be seen to have more of an impact on BME and elderly tenants who are perhaps more likely to go away for long periods of time. In the case of BME tenants, this may be to visit relatives in other countries. In response to this, the Housing department is not suggesting that tenants should not be permitted from leaving their property for over three weeks at any one time,

only that the tenant should inform the Housing office when this is going to take place. The benefits to tenants of the increased potential to monitor their unoccupied properties outweighs the perceived concerns over invasions of privacy. Rapid responses to maintenance issues, or illegal squatting of properties would be beneficial to both tenants and residents of the borough through reduced costs in dealing with repairs and legal fees.

Thirty three tenants (4.3% of total respondents) in sheltered accommodation felt that they should be allowed to have guests to stay for more than two nights in a week without asking for permission from the Sheltered Housing service. (see the 'Age' protected characteristic for further analysis)

There were also a number of critical comments about the clarity of the consultation pack and 287 of those responding assumed that it was necessary for them to sign and return the draft tenancy agreement that was provided for information. It was clearly stated in the accompanying letter that this was not a requirement of the consultation process, but it does suggest that some tenants may have struggled to understand the information that they were presented with. By returning the draft documentation tenants do also, however, demonstrate, their tacit agreement with the proposed changes and their willingness to accept these. 115 respondents (14.9% of the total responses) also contacted the consultation helpline for clarification on which one of the consultation documents needed to be completed and returned.

Requests for Additional Support Information

Two requests were made for translation of the S105 Consultation document providing translations into two different languages (Arabic and Eritrean). These translated consultation packs were then sent to the residents concerned. This is surprisingly low given that in 2001 the proportion of residents in ethnic groups other than white in Hammersmith & Fulham was 22% and 15% of the population was in the 'other white' group, made up principally by people from both Western and Eastern Europe.

Three tenants reported that they were dyslexic and a further 6 stated that they were unable to read or write, or understand the documents. As with any consultation, there is always the concern that the information has not been understood, or has been interpreted incorrectly. The Housing & Regeneration has tried to mitigate against this by providing the dedicated telephone line and also by ensuring that Housing Officers made arrangements to visit tenants who required extra support and explain the consultation to them. 55% of all the telephone calls that were received were to ask for advice or support. Telephone feedback was recorded in the same way as written feedback so all comments have been logged and given equal weighting in the consultation process.

Specific tenancy issues

A small number of tenants raised queries or made comments about very specific clauses in the tenancy agreement. These are detailed below:

Dogs

Fourteen tenants commented about dogs, with 50% in agreement that clauses relating to dogs should be strengthened and 50% concerned about what this might mean for their own circumstances. A number of respondents stated that the tenancy agreement should make specific reference to the guide dogs being permitted to be kept in suitable properties. This is an area where a revision of the wording is being considered. There was also a level of concern about the enforcement of this proposed tenancy condition for existing dog owners. This could adversely affect elderly tenants who have small dogs for company and perceived security benefits. Once again, the Council will mitigate against this by reviewing each situation on a case by case basis.

Satellite Dishes

One tenant asked about satellite dishes in the context of whether or not they would be allowed to keep a satellite dish that they had already had installed. There was also a level of concern about the enforcement of this proposed tenancy condition for existing satellite dish owners. This could adversely affect BME and elderly tenants who either receive specialist language television services, or rely on the television as their main source of company. Once again, the Council will mitigate against this by reviewing each situation on a case by case basis.

Data Protection

Five tenants stated concerns over use of information. These concerns were primarily in relation to the inclusion of photo ID with newly signed tenancy agreements. The Council is committed to abiding by the Data Protection Act, as well as people's rights to confidentiality and respect for privacy. The Council treats private information with respect and it is kept securely. Only staff members who are authorised to see the information for a business purpose will have access to it and they may only use it for the purposes stated in the agreement such as for tenancy verification. Specific data management procedures will need to be put in place to handle the additional electronic hard copy records that are held following the implementation of the revised Tenancy Agreement, which includes the requirement for photo identification to be held on the tenancy file. Security of data held electronically must also be considered to mitigate against risks of hacking and data loss.

	<p>Tenant Responsibility Sixteen tenants either expressed concern, or enquired about various areas of tenant responsibility as stated in the proposed tenancy agreement. These comments ranged from concerns over the decoration of properties, to the newly included section on tenant behaviour in the borough. Once again, the Council will mitigate against this by reviewing each situation on a case by case basis.</p> <p>Right To Buy Four tenants asked whether their right to buy their Council property would be affected by the proposed changes. The right to buy for existing secure tenants will not be affected by the proposed changes. A qualifying period of five years will need to be completed before a tenant is able to exercise the right to buy.</p>
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Section 05	Analysis of impact and outcomes
Analysis	<p>What has your consultation (if undertaken) and analysis of data shown? You will need to make an informed assessment about the actual or likely impact that the policy, proposal or service will have on each of the protected characteristic groups by using the information you have gathered. The weight given to each protected characteristic should be proportionate to the relevant policy (see guidance).</p> <p>This has been covered in both the analysis of consultation results and in the nine protected characteristics.</p>

Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for LBHF, and the overall outcome.</p> <p>Following detailed analysis of the consultation responses the principal issues that have been highlighted relate to:</p> <ul style="list-style-type: none"> • the two night limit on overnight visitors for people living in sheltered housing - the Council is currently considering increasing the two night limit to five nights in a week before permission is required to ensure that no tenancy rights are expressly or impliedly derived from people occupying homes. A number of comments have highlighted the need for overnight care and the Council needs to be mindful of the practicalities and sensitivities of this to ensure that family/friends have access where there are health issues involved. • the protection of sensitive personal data and photographic identification – appropriate procedures will

be put in place to ensure that data is stored and managed securely.

Section 07		Action Plan				
Action Plan		Note: You will only need to use this section if you have identified actions as a result of your analysis				
Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan	
Sheltered Housing 2 Night Overnight Stays	Consider increasing the two night limit to five nights in a week for Sheltered Housing tenants	Prior to Tenancy Agreement sign-off	Aaron Cahill	Overnight stay period before permission being required being increased to 5 nights		
Data Protection & Storage of Personal Data	Ensure rigorous procedures are in place for the storage and management of sensitive data including photographic identification	Prior to Tenancy Agreement go live date	Tenancy Management	Written procedures being issued to staff and relevant training provided		
Tenancy Support Pack	Ensure that the Tenancy Support Pack is written in Plain English and is clear and concise.	Prior to Tenancy Agreement go live date	Tenancy Management	Support pack information sent to all tenants		

Section 08	Agreement, publication and monitoring
Chief Officers' sign-off	 <p>Name: Jo Rowlands Position: Director Housing Services Email: jo.rowlands @lbhf.gov.uk Telephone No: 0208 753 1313</p>
Key Decision Report (if relevant)	<p>Date of report to Cabinet/Cabinet Member: 14/01/2013 Key equalities issues have been included: Yes/No</p>
Opportunities Manager (where involved)	<p>Name: Carly Fry Position: Opportunities Manager Date advice / guidance given: 24/10/12 & 16/11/12 Email: carly.fry@lbhg.gov.uk Telephone No: 0208 753 3430</p>