



Derby City Council

# **Equality impact assessment form**

**Directorate**

**Communities and Place**

**Service area**

**Housing Options**

**Name of policy, strategy, review or function  
being assessed**

**Private Rented Sector Offer Policy**

**Date of assessment**

**08/11/2016**

**Signed off by**

**Cabinet, Personnel Committee or Chief Officer  
Group's decision**

**Date published on website**

## Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

## Classification: OFFICIAL

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

### Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

### Contact for help

Ann Webster – Lead on Equality and Diversity

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## The form

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

### What’s the name of the policy you are assessing?

**Private Rented Sector Final Offer Policy**

### The assessment team

Team leader’s name and job title – Trisha Thomas, Housing Advice Manager

Other team members

Name	Job title	Organisation	Area of expertise
Rebecca Goddard	Senior Housing Advisor	Derby City Council	Private Rented Sector, Homelessness, Temporary Accommodation and Housing Benefits
Dean Lineker	Housing Advisor	Derby City Council	Housing Advice, Homelessness and Housing Benefit
Azra Hanif	Housing Advisor	Derby City	Housing Advice,

		Council	Homelessness and Domestic Abuse
Leon Taylor	Housing Management Trainer	Derby Homes	Housing Management and Derby Homes Disability Forum

### Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

- 1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

The aims of this policy are

- To use the option of a privately rented sector accommodation offer to bring to an end the main housing duty for households (those households who have been accepted as eligible, unintentionally homeless, in priority need and normally having a local connection).
- To reduce the number and length of placements for homeless households in all types of temporary accommodation but particularly the inappropriate use of bed and breakfast
- To make the allocation of social housing equitable in accommodating not only homeless households but also those in housing need.

There has been a reduction in the number of social housing vacancies; there were 1,323 vacancies within Derby Homes in 2014/15 compared with only 828 in 2015/6. Coupled with this there has been an increase in the number of accepted homeless households; there was a 38% increase in numbers from April to June 2016 in comparison to the same period in 2015 and the projected figure for this financial year is likely to be a 180% increase in 2 years.

This has led to households not being able to secure alternative accommodation prior to becoming homeless and therefore needing temporary housing. Households are also spending longer periods of time in temporary accommodation of all types.

At present the main housing duty to homeless households in Derby is normally discharged by an offer of suitable social housing. In order to house the increased numbers of accepted homeless cases, a greater proportion of the limited vacancies would need to be used. This would lead to a decrease or possible temporary/ longer term cessation in allocations to other applicants with substantial housing needs.

Since 9th November 2012, changes brought about by the Localism Act 2011 mean that a local authority has the power to bring the main housing duty to an end by making available an offer of suitable privately rented accommodation. The introduction of a Private Rented Sector Policy will assist Derby City Council to meet its statutory duty to bring the homelessness duty to an end.

**2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

**The Private rented sector policy and offer will be delivered by Derby City Councils Housing Options service.**

**3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

**Homeless households for whom we have accepted a main housing duty who**

- Have expressed a preference to live in a particular area. (Area choice will be considered when making a PRSO but cannot be guaranteed.)
- Are in temporary accommodation where there is a cost to the council
- Are in temporary accommodation where there is a significant cost to the applicant
- Are in temporary accommodation and require longer term accommodation as a matter of urgency.
- That have been accepted as being threatened with homelessness and owed a full housing duty and where a PRSO offer will avoid the need for the household to go into temporary accommodation.

One or several criteria may apply at the same time. The authority will still ensure that it only makes a PRSO offer after a full consideration of the household's individual circumstances and the facts that apply to that case.

**Step 2 – collecting information and assessing impact**

**4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**



The increase in homelessness acceptances and households placed in temporary accommodation was discussed at a cross party overview and scrutiny meeting on 8<sup>th</sup> November 2016 where all parties agreed the need for the ability to be able to discharge homelessness in the private rented sector.

To assist with informing this process the Housing Options service is asking customers for their view on whether or not they would like to be able to consider a private rented sector offer of accommodation.

**5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure**

Equality groups	What do you already know?	No impact	Positive impact	Negative impact	Not sure
<b>Age</b>	<p>Those under the age of 35 claiming housing benefit will be subject to the Single Room Rate reducing their choice of type of housing</p> <p>Homeless 16/17 year olds are dealt with in conjunction with Children's Services under the Housing Framework.</p> <p>Applicants of retirement age will have an increased choice of accommodation and area.</p>	√	√	√	
<b>Disability</b>	<p>Private sector landlords are often reluctant to adapt or have adaptations done to their properties.</p> <p>There could be properties which are already adapted within the private sector.</p> <p>Some clients with learning</p>		√	√	

	difficulties have problems in understanding the terms or conditions of tenancies.			√	
<b>Gender reassignment - trans</b>	<p>Clients may experience victimisation or ASB if living in areas where there is discrimination</p> <p>Will have wider choice of areas which could be closer to support/networks</p>		√	√	
<b>Marriage and civil partnership</b>	Households where one member or more are suffering from domestic abuse will have greater choice of areas to escape the abuse		√		
<b>Pregnancy and maternity</b>	<p>Households can move to or remain near support networks for child care.</p> <p>Could experience financial hardship if 2 bed property is acquired during earlier months of pregnancy</p> <p>Discretionary Housing Payments can be made at least from 6 months into pregnancy</p>		√	√	
<b>Race</b>	<p>Derby City has diverse communities with little social housing in some areas where applicants wish to live. The private sector would provide greater choice and would assist some with language/cultural barriers.</p> <p>There may be hidden discrimination from private landlords on the grounds of race</p> <p>Some clients may find language barriers in understanding the terms or conditions of tenancies.</p>		√	√	√
<b>Religion or belief or none</b>	Clients would be able to live nearer places of worship where there is limited social housing in certain areas		√		

	Applicants could face hidden discrimination from private sector landlords			√	
<b>Sex</b>		√			
<b>Sexual Orientation</b>	Clients may experience victimisation or ASB if living in areas where there is discrimination			√	
	Will have wider choice of areas which could be closer to support/networks		√		
<b>Families and people on low income</b>	Private rented sector tenancies are on average more expensive than social tenancy rents. Affordability will be an issue for large families affected by the benefit cap.			√	
	Applicants will have greater choice of property sizes and areas.		√		
	Discretionary Housing Payments can be made to pay for rent in advance, tenancy deposits and shortfalls in rent		√		

**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

Each accepted homeless household will be considered on an individual basis for a private rented sector tenancy.

The legislation requires that an offer is only made if it is suitable for that particular household having taken into account

- The Homelessness (Suitability of Accommodation) (England) Order 2012 and specifically all the statutory requirements in part 1 which cover the suitability of the location of accommodation and Part 2 which sets out the circumstances in which accommodation is not to be regarded as suitable for a person.
- Whether the property is suitable in relation to existing suitability requirements relating to space and arrangement.
- Landlords will need to be judged as a 'fit and proper person'
- Any other subjective matters and issues that relate to an applicant's circumstances and that of any other household members
- Whether the accommodation is affordable having fully considered the cost of the rent and any other expenditure relating to the property compared to the income available to the household.
- All existing legislation, statutory guidance and case-law relating to making suitable offers of accommodation and specifically paragraphs 17.40 and 17.41 of the Homelessness Code of Guidance.

In line with the above checks any negative impacts will be considered, eliminated or mitigated. Otherwise, an offer will not be deemed suitable and the homelessness duty will not be discharged in this instance.

There is a statutory review of suitability that can be requested by applicants.

The main housing duty will apply again if, within 2 years of accepting the PRSO, an applicant re-applies for accommodation, or for assistance in obtaining accommodation, and the authority is satisfied that they are eligible for assistance and homeless, or threatened with homelessness unintentionally.

Tenancies under this policy have to be for a term of 12 months or more.

### Step 3 – deciding on the outcome

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>		<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA

		or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"><li>• sufficient plans to stop or minimise the negative impact</li><li>• mitigating actions for any remaining negative impacts</li><li>• plans to monitor the actual impact.</li></ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

<b>3</b>
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Why did you come to this decision?

<b>There could potentially be negative impact but we feel this will not be the case due to the statutory requirements regarding suitability which takes into account the protected characteristics and the additional DCC category of families and people on low incomes.</b>
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If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the

equality impact assessment is done thoroughly, as this is what the Judge will consider.

**Step 4 – equality action plan – setting targets and monitoring**

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

## Equality action plan – setting targets and monitoring

<b>What are we going to do to advance equality?</b>	<b>How are we going to do it?</b>	<b>When will we do it?</b>	<b>What difference will this make?</b>	<b>Lead officer</b>	<b>Monitoring arrangements</b>
All private rented sector offers will be made in line with the legislation	All applicants will be assessed under homelessness legislation including a financial assessment	All applications are assessed	Where there is acute social housing shortage, this will provide an alternative housing solution.	Trisha Thomas/ Matt Palmer	Case file reviews
Assist applicants in understanding tenancy agreements and obligations	Offer the pre tenancy course linked to Derby Homefinder  Use Google translate for tenancy documents  Explore the use of pictorial documents	At point of application	Applicants will be equipped for tenancies and will have a good understanding of obligations	Trisha Thomas/ Matt Palmer	Housing Advice services will ensure monitoring of all households who have accepted a PRSO for the length of the tenancy period in order to actively manage those cases approaching the expiry of the 12 month Assured Shorthold Tenancy
Financial assessments will be made for all households to consider affordability	Financial assessments will be carried out by Housing Options staff, Derby Advice, CAB or other recognised financial advice services	At point of application	We will ensure that households can afford the offered tenancy, manage their finances and income maximisation	Trisha Thomas/ Matt Palmer	Reports on the suitability of offers will be monitored by senior housing advisors
There will be a robust transparent system in place to assure that private LL's are fit and proper.	We will use existing mechanisms used by Housing Standards	Each time we utilise a new landlord	Tenants will be safeguarded against poor landlord practices/behaviour	Trisha Thomas/ Matt Palmer	Records will be held electronically of all private tenancies used under this policy
Inspect all tenancies in accordance with suitability regulations	Derby Homes surveyors will complete these inspections	Prior to offer of tenancies	Safe properties of good standard only will be offered ensuring compliance with Housing Health Safety Rating System.	Trisha Thomas/ Matt Palmer	Records will be held electronically of all private tenancies used under this policy

**Classification: OFFICIAL**

**Make sure you include these actions in your Directorate service business plans.**

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