

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how

they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Richard Smith
Name of the policy or function to be assessed:		Tenancy Management Policy	
Names of the officers undertaking the assessment:		Richard Smith/Rachel Shaw	
Is this a new or an existing policy or function?		Updated policy outlining existing landlord and tenancy functions	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Tenancy Management Policy is a supporting document for the Council's Tenancy Agreement.</p> <p>Tenants of the Council have certain rights afforded to them as part of their tenancy. The aims of the policy are to outline these rights that relate to the management of the tenancy and provide some guidelines for how they are managed when they occur. These include Assignment, Mutual Exchange, Succession, Tenancy Changes, Lodgers, Subletting, Unauthorised Occupants, Breaches in Tenancy Agreement, Death of a Tenant and Ending of a Tenancy.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The Tenancy Management Policy will provide clarity for Officers and residents about how the Council will administer certain rights and responsibilities that tenants have. It will ensure that the Council is compliant with its responsibilities under relevant legislation.</p> <p>The Tenancy Management Policy will ensure that all tenants receive a consistent response to issues that may arise in respect of their tenancy agreements and will inform residents about how the Council will deal with requests that are made under the policy.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>The Tenancy Management Policy will apply to all tenants.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • All tenants • Those persons living with tenants • Family members of tenants 			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p>			

The Council has around 4300 tenants who all have a tenancy agreement and will be covered by the Tenancy Management Policy. There are around a further 350 new tenancies granted each year that will also come under the remit of the Policy.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

All tenants of the Council will be covered by the Tenancy Management Policy. The Tenancy Management Policy will ensure that a consistent approach is taken to administering tenants' rights and will lead to a fair approach being taken for all tenants.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

The contents of the Tenancy Management Policy provide guidance about how the Council will respond to the rights that tenants have in accordance with their respective agreements. The Policy does not prohibit or change any tenancy rights, and sets out the Council's statutory responsibilities to its tenants. As there are not changes, no stakeholder consultation has taken place.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

All tenants have a tenancy agreement that provides them with the rights outlined in legislation. The policy sets out how the Council will respond to issues that arise under the tenancy. No communities or groups are affected in any different or adverse way.

- Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The Policy applies to all tenants as all tenants have tenancy rights. Some of the tenancy rights will only be triggered in certain circumstances where the tenant's circumstances dictate.

Some groups, such as established tenants will have more rights than newer tenants this is reflective of the current legal and policy framework.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

It is the responsibility of the Council as a landlord to ensure that we maximise access for all groups. This would include the following actions:

- Arrange to translate the new tenancy agreement for residents whose first language is not English
- Arrange appropriate additional support for residents who may not understand the agreement (e.g. support worker invited to the sign up meeting).

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The Policy may raise awareness of tenancy rights amongst officers and residents. For example, a tenant may improve their housing situation by completing a mutual exchange which is highlighted as a right within the Tenancy Management Policy.

It ensures that a consistent approach will be taken and that the Council will exercise its duties within the current legal and policy framework.

- **What further evidence is needed to understand the impact on equality?**

Using existing performance monitoring frameworks, the Council will be able to establish whether there has been any negative or positive impact on residents and their ability to access services.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: It has been identified that there is a higher proportion of older residents in the borough than the national average. It is also acknowledged that young people, including those leaving care and teenage parents are likely to be vulnerable.

The rights of those tenants that are in existing tenancies remain unaffected and those who hold a Secure Tenancy are also unaffected.

New Introductory Tenants will not have the same rights as Secure Tenants; Introductory Tenancies will be offered to all new tenants, regardless of age.

Disability: The Housing Act 1996 identifies 'people with learning disabilities' and 'people with a mental, physical or sensory disability' as categories where people could be classed as vulnerable.

Regular visits will help to identify any additional support required by disabled tenants to help them to sustain their tenancy.

The deployment of existing resources in the Housing Management Teams, particularly the Tenancy Sustainment Officer, will help residents who may be affected by a disability and their ability to access services.
Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Marriage and Civil Partnership: The Tenancy Management Policy sets out that marriage and civil partnerships are viewed positively. The Policy confirms that a tenant in a civil partnership is treated in the same way as a married tenant and their rights are protected.
Pregnancy and Maternity: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.
Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.
Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

