

## APPENDIX 1

## 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:	Tenure Policy		
Names of the officers undertaking the assessment:	Richard Smith		
Is this a new or an existing policy or function?	New policy outlining how new tenancy agreements will be used and when they will be offered		
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The Tenure Policy provides the framework for which tenancy agreements the Council offers to whom, when and in what circumstances.</p> <p>The aims and objectives of the policy specifically are to detail</p> <ul style="list-style-type: none"> <li>• The types of tenancies that the Council will grant;</li> <li>• When a fixed term tenancy is granted, the length that the fixed term tenancy will be;</li> <li>• The circumstances in which the Council may or may not grant another tenancy on the expiry of the fixed term in the same property or in a different property;</li> <li>• The appeal process for a tenant or prospective tenant to complain about the type of tenancy offered, a decision to extend or end an introductory tenancy and a decision not to grant another tenancy on the expiry of the fixed term.</li> <li>• How the needs of households who are vulnerable by reason of age, disability or illness and health, families with children, including the provision of tenancies which provide a reasonable degree of stability will be taken into account;</li> </ul>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>The tenure policy will provide clarity for Officers and new tenants on what tenancy types will be offered by the Council and under what circumstances. It also explains what happens and what steps the Council will take and what it will consider when a tenancy is due to end.</p> <p>It will ensure that the Council is compliant with its responsibilities under relevant legislation.</p> <p>The tenure policy will also ensure that all tenants receive a consistent service from the Council in respect of their tenancies.</p>			

**3. Who is intended to benefit from the policy or function?**

The tenure policy will apply to all new tenants from the inception of the new tenancy agreements.

**4. Who are the main stakeholders in relation to the policy or function?**

- All new tenants
- Those persons living with new tenants
- Family members of new tenants
- All potential tenants of the Council

**5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?**

There are around 350 new tenancies granted each year, the majority of which will either be new introductory tenants or a fixed term tenant that has been granted a tenancy on equivalent terms.

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

Over time, more and more tenants will become subject to the tenure policy when the tenants get rolled out to more and more tenants as the Council let more and more homes. The tenure policy will ensure that a consistent approach is taken to administering these tenancies 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 tenure policy provides guidance about how the Council will administer the tenancies that it offers. The Policy does not prohibit or change any current tenancy rights. As there are no changes affecting current tenants, 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 the changes in tenancy types that affect new tenants of Broxtowe Borough Council.

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

The policy will apply to all new tenants. The majority of new tenants will have less rights than existing Council tenants. Where tenants have greater security based on their current tenancy circumstances, this will not be infringed on by the Council.

- **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 and the different tenancies offered by the Council amongst officers and residents.

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 or fixed term tenants will not have the same rights as Secure Tenants; Introductory Tenancies or fixed term 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:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. If relationships break down, the tenant that remains will not be adversely affected by the policy and they will not lose any security of tenure.

**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:**