

## 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 Committee 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:	Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy		
Names of the officers undertaking the assessment:	Richard Smith		
Is this a new or an existing policy or function?	Review of existing policy for discharge of homeless duty to the private sector		
<p><b>• What are the aims and objectives of the policy or function?</b></p> <p>The Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy provides the framework for the Council being able to offer applicants that approach the Council that are threatened with or are homeless with a private sector tenancy. This enables the Council to prevent and relieve applicants' homelessness as quickly as possible.</p> <p>The aims and objectives of the policy specifically are to detail</p> <ul style="list-style-type: none"> <li>• Outlining how and when the Council will make offers</li> <li>• The locations of those offers</li> <li>• The property standards that the private sector tenancy must uphold</li> <li>• The principles of the Deposit Guarantee Scheme</li> <li>• The advice, assistance and support that the Council will provide to tenants and landlords</li> </ul>			
<p><b>1. What outcomes do you want to achieve from the policy or function?</b></p> <p>The Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy will enable the Council to more effectively prevent and relieve homelessness in the private sector</p>			
<p><b>2. Who is intended to benefit from the policy or function?</b></p> <p>All applicants that are threatened with homelessness or are homeless.</p>			
<p><b>3. Who are the main stakeholders in relation to the policy or function?</b></p> <ul style="list-style-type: none"> <li>• All prospective homeless applicants</li> <li>• All homeless applicants</li> <li>• Those persons living with homeless applicants</li> <li>• Family members of homeless applicants</li> <li>• Private landlords that are participating in the scheme</li> <li>• Private landlords that are interested or may be participating in the scheme</li> </ul>			

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

There are around 300 homeless preventions each year, each of these cases would be considered if they were eligible for the scheme if there was a suitable property provided by a landlord that was available.

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

It is hoped that more landlords will become part of the scheme and more applicants will therefore be housed in this way. Therefore over time more individuals and stakeholders will become subject to the policy. The Policy will ensure that a consistent approach is taken to administering the private sector offers and will lead to a fair approach being taken for all these applicants.

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

The contents of the Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy provides guidance about how the Council will administer the private sector offers that it makes. The Policy does not prohibit or change any person's rights so no stakeholder consultation has taken place.

**7. 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?**

The policy only applies to those applicants that are homeless or are threatened with homelessness and the landlords offering their accommodation. No groups are targeted or excluded, circumstances of individuals will dictate whether they are in the scope of the policy.

- **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 applicants threatened with homelessness and access to a private sector offer will be dependent on certain factors outlined in the policy. This is to ensure that these applicants with certain circumstances that may be more disadvantaged by a private sector offer are not disadvantaged unduly. Particular consideration is given to the location and the affordability of offers.

- **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 to ensure that we maximise access for all groups. The policy and its scope will mean that it will apply to all those threatened with or that are homeless. Homelessness could happen to any equality group or community. The policy will ensure that additional consideration is given to certain groups and their circumstances where they could be unduly disadvantaged by the policy.

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

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, either locally or through statutory returns, the Council will be able to establish whether there has been any negative or positive impact and the ability to access services.

#### **8. 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.

It is more likely that those who are vulnerable and in priority need in accordance with the homeless legislation, who are more likely to be younger, could access the policy and be advantaged by the provisions of.

**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.

It is likely that those who are disabled and in priority need in accordance with the homeless legislation could access the policy and be advantaged by the provisions of.

**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. Those in certain circumstances as part of their relationship breakdown could be in priority need in accordance with the homeless legislation and therefore be in the scope of the policy

**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. These groups are likely to be in priority need in accordance with the homeless legislation and therefore come within the scope of the policy

**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:**