

Appendix 2

Equality Impact Assessment

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.

Public bodies are required in it 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 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.

The Council has resolved to treat people with care experience as if they have a protected characteristic.

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:	CEO	Lead Officer responsible for EIA	Head of Environmental Health, Licensing and Private Sector Housing
Name of the policy or function to be assessed:	Damp and Mould In Private Rented Housing		
Names of the officers undertaking the assessment:	Head of Environmental Health, Licensing and Private Sector Housing		
Is this a new or an existing policy or function?	New strand already covered by existing wider enforcement policies.		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Policy outlines the approach that the Council will take in regards to reports of damp and mould in private rented housing to ensure landlords take suitable action to investigate and remediate it. This includes where Officers identify damp and mould through other interventions or where it is reported by tenants specifically or as part of wider housing disrepair issues.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The Policy will:</p> <ul style="list-style-type: none"> • Ensure that all reports of damp and mould are responded to and investigated in accordance with all relevant guidance, statutory requirements and good practice • Improve housing standards for tenants in private rented accommodation • Link to the Council's Enforcement Policy 			
<p>3. Who is intended to benefit from the policy or function?</p> <ul style="list-style-type: none"> • Tenants in private rented accommodation • Private sector housing officers 			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Tenants in private rented accommodation • Landlords 			

- Private sector housing officers

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

There are records on the case management system of the number of complaints and investigations in relation to housing standards (wider than damp and mould) although these do not specifically record data on the equality strands.

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

There is information available on the impact of housing conditions, particularly damp and mould on the young, older population and those with long term health conditions. In addition the Housing Ombudsman's spotlight review on damp and mould highlights that ethnicity may heighten vulnerability, as well as people who experience difficulty with communication or people living on low incomes.

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

The Council completed an online survey in 2023 where tenants had the opportunity to highlight concerns about damp and mould. Landlords are signposted to guidance on dealing with damp and mould and provided with information at events like the annual joint landlord's forum.

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?**

The Policy is only for privately rented tenants, so will exclude those that are Council tenants, although this group is covered by a specific separate policy and procedure.

The Housing Health and Safety Rating System (HHSRS) assesses the risk from specific hazards and this assessment is based on the risk to the potential occupant who is most vulnerable to that hazard.

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

All private rented tenants will have equal access to report issues of damp and mould. The communication plan accompanying the Policy will need to ensure it reaches the groups who are most likely to need to benefit from it.

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

Some tenants may be reluctant to report issues with their home. The Council encourages tenants to report issues so that they can be investigated. The Council will carry out property inspections where issues of disrepair, including damp and mould will be identified.

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

The Policy is in regard to individual properties, so it is unlikely that it will have a harmful impact regarding relations between different groups.

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

Ongoing consideration of the number of complaints relating to damp and mould in privately rented properties and how they are resolved.

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: Damp and mould may affect some tenants of different ages more significantly (children and older people) and this will be considered in any investigation and assessment of hazards.

Disability: Damp and mould can exacerbate some health conditions. Assessment will consider those tenants who have a higher risk of impact on their health from damp and mould.

Gender: 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.

Gender Reassignment: 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.

Marriage and Civil Partnership: Tenants that are married or in a civil partnership are more likely to be joint tenants, equally responsible for their tenancy.

Pregnancy and Maternity: If a tenant is pregnant or has young children, they will be at higher risk of impact on their health from damp and mould and this will be considered in any assessment.

Race: Care will need to be taken to ensure communication and engagement with people from different ethnic groups does not present a barrier to reporting or implementation of mitigating actions. The Council will use its stakeholder network to ensure appropriate groups are communicated with effectively.

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.

Care Experience: People with care experience may be more likely to live in poorer housing conditions and therefore may be a vulnerable group

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: ████████████████████