

**Appendix 3****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 also decided to treat people who have care experience as if they had a protected characteristic under the law.

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:	Chief Executive - Housing	Title of the Lead Officer responsible for EIA	Assistant Director of Housing
Name of the policy or function to be assessed:		Recharges Policy	
Title of the Officer undertaking the assessment:		Change Delivery Manager	
Is this a new or an existing policy or function?		Existing	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The aim of this policy is to provide clear guidance to employees, the tenant or the leaseholder to explain when a service, or work undertaken by the Council, will be recharged to the tenant or the leaseholder.</p> <p>A recharge item may be identified following, for instance, an estate inspection or 'walkabout', a pre-termination or pre-transfer inspection, a void property inspection, an ad-hoc property inspection or following notification from a tenant or leaseholder of a repair request.</p> <p>The objective of this policy is to ensure that the Council works effectively with tenants and leaseholders:</p> <ul style="list-style-type: none"> <li>• to allow tenants and leaseholders the opportunity to remedy any breach by arranging for remedial works to be undertaken to a standard acceptable to the Council.</li> <li>• to maximise the receipt of income to cover the Council's costs for carrying out remedial works where the tenant and leaseholder is unable or unwilling to arrange for the remedial works to be carried out themselves.</li> <li>• to provide an effective repairs service by minimising the number of "missed appointments" and, where appointments are missed, to recover the expended costs.</li> </ul>			

- to recover the costs where the Council considers that tenant or leaseholder has misused the “Out of Hours” repairs service.
- to recover the costs where the Council has to store and / or dispose of any items, usually following the termination of a tenancy.
- to support tenants with additional support needs and leaseholders to abide by the terms of their respective agreements with the Council and to help prevent any further breaches.

## **2. What outcomes do you want to achieve from the policy or function?**

The policy supports the quality of the Council’s housing stock being well maintained and any repairs required being managed effectively

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

The Council will benefit from the policy as it will maximise the receipt of income to cover costs where the tenant or leaseholder have breached the Tenancy or Leaseholder Agreement.

Tenants will also benefit as the Council can continue to focus on delivering a better repairs service

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

The two main stakeholders will be tenants and teams / colleagues within the Council, including;

\* Repairs (e.g. operatives / customer services advisors / team leaders / inspectors)

\* Housing (e.g. housing officers, lettings officers, income collection officers)

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

The Council’s housing management system, Capita Open Housing, is utilised to capture and contain quantitative data relating to the different equality strands. This information (for example, identifying tenants that require additional support needs) will support colleagues when considering each tenant’s situation according to that person’s individual circumstances.

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

Tenants receive a transactional survey after a repair is completed and the opportunity to complete an annual tenant satisfaction survey. Information

from these surveys will enable the Council to baseline qualitative data, which will be monitored going forward.

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

The recharges policy was discussed at a Tenant Panel meeting. There was a broad acknowledgement from the panel regarding the rationale of the policy. Feedback from colleagues involved in re-launching recharges hold a similar view to the Tenant Panel, acknowledging the rationale.

**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 Council recognises that some tenants and leaseholders have additional support needs and that recharging the person for carrying out work which is their responsibility may not be an appropriate action. The Council will consider each person's situation according to that person's individual circumstances.

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

This policy applies to all tenants and leaseholders.

- ☐ **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 policy for residents whose first language is not English
- Arrange appropriate additional support for residents who may not understand the policy (e.g. support worker invited to discuss the policy).

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

The policy 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 data that will be captured when charges are issued, the Council will be able to establish whether there has been any negative or positive impact on residents and their ability to adhere to the policy.

**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:**

Older tenants may find it difficult to (for example) clear the contents of their property when required. Whilst this remains the responsibility of the tenant, each case will be considered to see what support can be provided by the Council.

**Disability:**

It is acknowledged that this may be difficult for some people with a disability to remove their belongings. Additional time will be provided where required and support offered if appropriate. The Council will consider each person's situation according to that person's individual circumstances.

**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:**

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.

**Pregnancy and Maternity:**

It is acknowledged that this may be difficult for someone who is pregnant or has a baby to move their belongings. Additional time will be provided where required and support offered if appropriate. The Council will consider each person's situation according to that person's individual circumstances.

**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.

**Care Experience:**

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.

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: Assistant Director – Housing Services**

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