

# **Tenancy Strategy**

## **Equalities Analysis Assessment**

### **June 2012**

**DRAFT**

## **1. Equalities Analysis Assessment process:**

### Introduction:

In April 2010 the Government introduced new legislation in the form of the Equality Act 2010. This Act replaced and consolidated a number of historic Acts relating to equalities and discrimination.

By law, public bodies (i.e. local authorities) are legally required to consider the three aims of the new Equality Duty (see below) and document their thinking/assessment, as part of the process of decision making. When making decisions public bodies are required to have 'due regard' (i.e. consideration) to the need to:

- i. eliminate unlawful discrimination, harassment, victimisation;
- ii. advance equality of opportunity; and
- iii. foster good relations.

Having due regard means consciously thinking about the three aims of the Equality Duty (numbered above) as part of the process of decision making. Having due regard 'to the need to' is not the same as eliminating discrimination, advancing equal opportunities and fostering good relations, rather it is one step away from actually doing this.

### Protected characteristics

Also under the Public Sector Equality Duty we are required to consider the following equality characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion and belief
- Gender
- Sexual orientation
- Marriage and civil partnership (only in relations to employment)

### What is an Equalities Analysis Assessment?

An Equalities Analysis Assessment (EAA) is the process of systematically analysing a proposed or existing policy or strategy to identify what effect, or likely effect, will follow from its implementation for different groups in the community. Similarly, it can be the process for analysing the impact of a service or function on different groups in the community.

An EAA can anticipate and identify the equality consequences of particular policy initiatives and ensure that as far as possible, any negative consequences for a particular group or sector of the community are eliminated, minimised or counterbalanced by other measures.

## **2. Why is this Equalities Analysis Assessment (EAA) being carried out?**

The Localism Act 2011 brought in the requirement for local authorities to publish a Tenancy Strategy. The Strategy should be shared with social housing landlords in the local authority area, and the Tenancy Policies of the registered provider landlords should have due regard to the Strategies relevant to the area in which their stock is located.

The Tenancy Strategy has been drafted alongside the review of the Allocations Scheme and has been consulted on simultaneously.

The Localism Act 2011 requires that a Strategy is in place 12 months from enactment which at this time is estimated to be January 2013.

The principles included in the Tenancy Strategy have evolved through discussions with registered providers in the borough, the results of the consultation, recommendations from Mayor and Cabinet and agreement with the South East London Housing Partnership.

In summary, the key points of the Strategy are:

- Minimum 5 year tenancy linked to 21<sup>st</sup> Birthday with some exceptions requiring secure/assured tenancy;
- Retain a secure or assured tenancy when an existing tenant moves;
- Unless there has been a significant change in circumstances following a review, the tenancy will be renewed for a further period;
- Conversion of re-lets to be kept to a minimum;
- Disposals to be kept to a minimum.

The focus of the consultation was around the key changes that would affect tenants and prospective tenants. The two consultation questions were:

- Who should get a lifetime tenancy?
- How long do you think the minimum period should be for the grant of a flexible tenancy?



## Detailed Assessment for each proposed change

Historically tenants with either an assured or secure tenancy were entitled to a lifetime tenancy. Landlords can, in specific circumstances, issue shorter term tenancies such as Assured Shorthold Tenancies (for 6 months at a time). Circumstances relating to these tenancies often relate to the property that the tenant is living in, such as a property leased to the Council on a temporary basis, which therefore means that a lifetime tenancy is not in the landlords power to grant.

It is not proposed, at this time, that there will be any change to the councils provision of secure tenancies. A number of registered providers have already implemented 5 year fixed term tenancies (FTT) on a small number of new lettings. Existing tenancies will not be affected.

It is not expected that any one protected characteristic will be unfairly treated however there will be households, such as families, that may be subject to a review as their children grow up and leave the home. Families, per se, are not a protected characteristic.

The consultation showed that people with long term mental or physical disability (77.29%) and people over 65 years old (76.93%) were the most strongly supported categories for lifetime tenancies.

The Housing Register shows that 86% of applicants are 54 or under with a further 570 households in the age range 55-74, which may include a number of under 60 year olds. In general, if someone on the household aged 60 or above is housed, it will be to somewhere that suits their need and is likely to be specialist older person housing such as sheltered. Where this is the case it does not make sense to issue a fixed term tenancy for someone whose circumstances are unlikely to change enough to mean an end to the tenancy, for instance they are not likely to be under occupying at any point in the future. As most specialist older person housing is available to those over 60 years old, the Tenancy Strategy has been worded accordingly.

Number on Register	Band					Grand Total
	1	2	3	4	No Band	
Under 18	1		6	21		28
18-34	96	234	1,881	4,749	2	6,962
35-54	260	602	2,614	4,828	4	8,308
55-74	271	131	492	958	1	1,853
75+	117	72	162	218	1	570
Not Known	4	4	11	31		50
Grand Total	749	1,043	5,166	10,805	8	17,771

The Tenancy Strategy asks that a lifetime tenancy should normally be offered to any single person/couple who become tenant of a wheelchair accessible property for whom in the future there is no prospect of under occupation or no prospect of accessible accommodation not being needed.

Recording on the Housing Register of households with a person with a disability is sporadic after the initial application has been made therefore there is limited data available to inform this EAA.

Who should get a lifetime tenancy?					
Protected Characteristic	Positive impact	Neutral impact	Negative impact	Explanation	Mitigation/Opportunity
Age			✓	While the consultation and Tenancy Strategy protect those over 60 years old, younger people may feel that they should also be given a lifetime tenancy.	Where tenants are given a fixed term tenancy the Strategy proposes that it be renewed unless in exceptional circumstances.
Disability	✓			People with a long term disability that relates to the housing they require will be given a lifetime tenancy.	
Gender reassignment		✓		Data collected is limited for this characteristic but the introduction of FTT is not expected to affect this group negatively.	
Pregnancy and maternity		✓		Any cases of pregnancy will be a factor in the decision about whether or not to renew a tenancy therefore a pregnant household should not be unfairly affected.	
Race		✓		The introduction of FTT is not expected to affect this group negatively.	
Religion and belief		✓		The introduction of FTT is not expected to affect this group negatively.	
Gender		✓		The introduction of FTT is not expected to affect this group negatively.	
Sexual orientation		✓		The introduction of FTT is not expected to affect this group negatively.	
Marriage and Civil Partnership (only in relation to employment)		✓		Not applicable to housing.	

The Council would prefer that all tenancies are lifetime however as registered providers are able to give fixed term tenancies, guidance is required as to what would be considered acceptable. The Localism Act 2011 allows for a tenancy length of as low as 2 years, however the Housing Minister has stipulated that he would only expect to see a tenancy length of less than 5 years in exceptional circumstances. Lewisham and the South East London Housing Partnership have agreed that 5 years should be the minimum.

The responses to the consultation showed that 5 years was the most popular choice as the minimum period for a flexible tenancy (43.78%).

Minimum length of a fixed term tenancy					
Protected Characteristic	Positive impact	Neutral impact	Negative impact	Explanation	Mitigation/Opportunity
Age		✓		<p>The earlier table shows the impact of a lifetime tenancy versus a fixed term tenancy. Any household not protected by the exceptions for FTT would rather have a lifetime tenancy than FTT however it is not anticipated that any particular protected characteristic will be unfairly impacted by this change.</p>	<p>There will be a review of the Tenancy Strategy after one year which will ascertain if any one group is unfairly treated.</p>
Disability		✓			
Gender reassignment		✓			
Pregnancy and maternity		✓			
Race		✓			
Religion and belief		✓			
Gender		✓			
Sexual orientation		✓			
Marriage and Civil Partnership (only in relation to employment)		✓			

### Sign off

*Detail the date that your Equality Analysis was signed of by your DMT.*

**ACTION PLAN**

<b>Issue of possible concern and equality protected characteristic category it may impact</b>	<b>Action to be taken</b>	<b>When</b>	<b>Who by</b>
Potential impact on different ages	There will be a review of the Tenancy Strategy after one year which will ascertain if any one group is unfairly treated.	June/July 2013	Strategy, Policy and Development Team
Impact on families – although not a protected characteristic	There will be a review of the Tenancy Strategy after one year which will ascertain if any one group is unfairly treated.	June/July 2013	Strategy, Policy and Development Team



# Tenancy Strategy – Consultation Responses

## Introduction

The Localism Act 2011 (Section 126) includes new powers relating to allocations and flexible tenancies; it requires local authorities to produce a Tenancy Strategy that sits alongside the Housing Strategy, Homelessness Strategy and Allocations Policy.

The legislation will require the Strategy to cover:

- What kind of tenancies to offer;
- Circumstances in which the landlord will grant a tenancy of a particular kind;
- Where a tenancy is set for a term, the length of term;
- Circumstances where the landlord will grant a further tenancy on the ending of the existing tenancy.

Consultation focussed on the issue of fixed term tenancies and was undertaken at the same time as the consultation for the Review of the Allocations Policy.

## Who was consulted?

Consultation was carried out over a period of approximately 8 months and consisted of:

- General public at People's Day 2011 – surveys and interactive exhibits;
- General public through the web survey (live from 2 Feb to 9 March);
- Elected Members through officer attendance and discussion at Housing Select Committee;
- Discussion at Lewisham Affordable Housing Group and sign posting to web survey;
- Letter to over 19,000 housing register applicants to sign post them to the web survey;
- Sign posting to the web survey from Lewisham Homes website, Phoenix Community Housing's website and through the Council's social media such as Twitter;
- Sign posting to web survey from Homesearch;
- Sign posting to web survey via local groups and media through council press office including;
  - ↳ Brockley Central Blogspot
  - ↳ DAGE (Deptford Action Group for the Elderly)
  - ↳ VAL (Voluntary Action Lewisham)
  - ↳ SE8 news
  - ↳ The Gate Post (NX paper)
  - ↳ East London Lines (Goldsmiths media students for their online 'paper')
  - ↳ Deptford Dame (blogger from Deptford!)
  - ↳ Several Sydenham forums
  - ↳ Ladywell Village Improvement Group

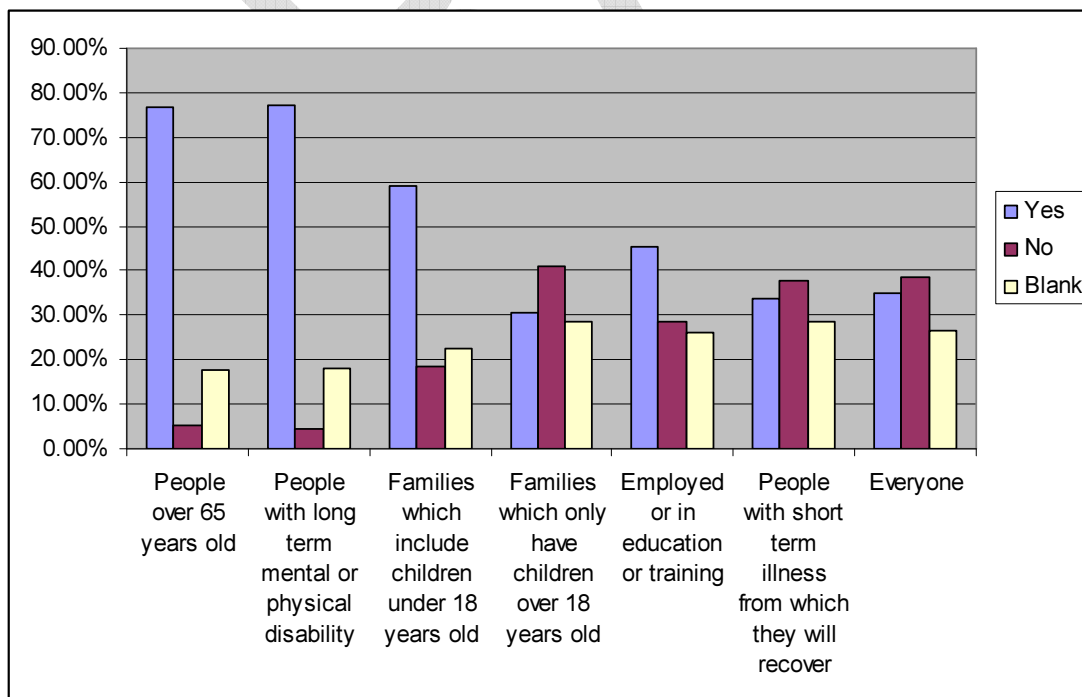
- ↳ Repezent Radio (DAB radio station based in Peckham, broadcasts in Lewisham, listeners are under 25s)
- ↳ London Housing News (e-news bulletins)
- ↳ Lewisham Housing News.
- Older persons at Lewisham Pensioner's Forum – presentation, discussion and surveys – also sign posting to web survey;
- Disabled persons and representatives – discussion with the Chair of Lewisham Disability Coalition and presentation and discussion at Housing & Disability Group – also sign posting to web survey;
- Attendance at various Local Area Assemblies, Lewisham Homes Area Panel and Regenter B3 Area Panel – officers gave a presentation and sign posted to web survey where possible;
- Housing Needs staff at briefings and team meetings;
- Colleagues in Children & Young People's Services, Adult Social Care Services, Neighbourhood Community Safety, Alcohol Delivery Group and MARAC were also sign posted to the web survey.

### Web Survey

The questions relating to the Tenancy Strategy in the web survey, and the responses to them, are outlined below;

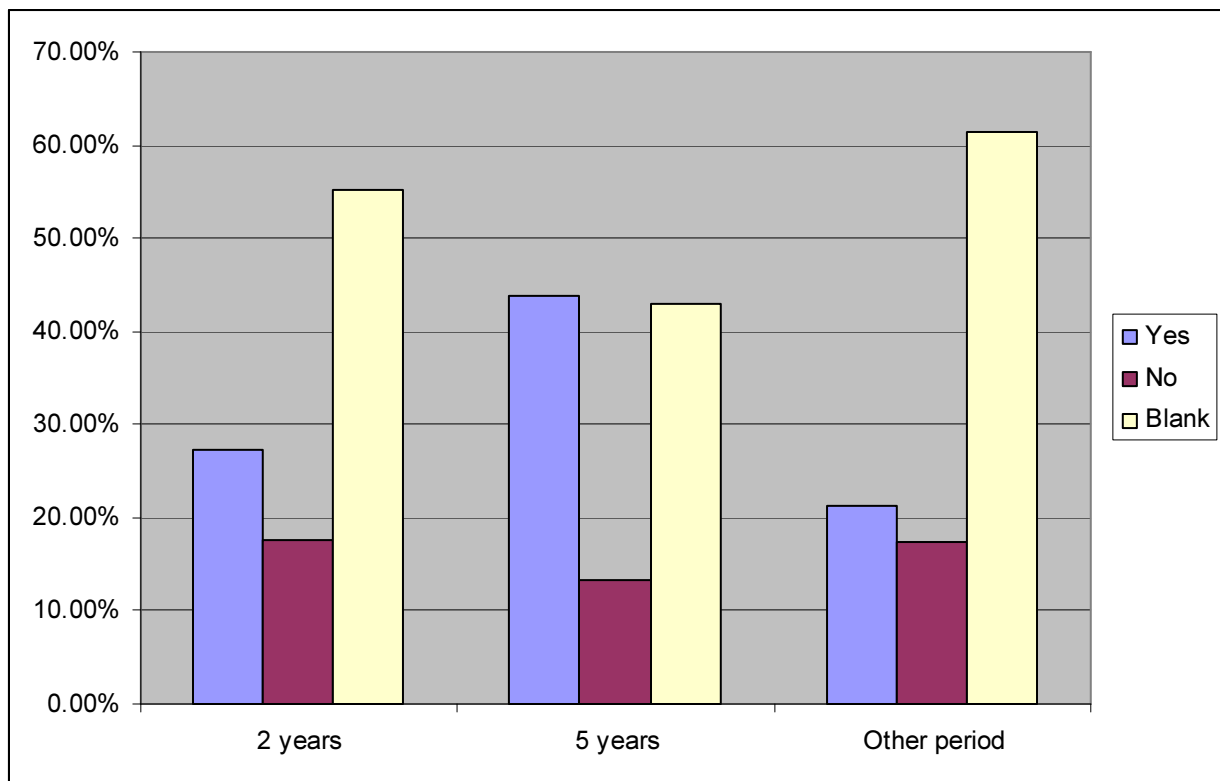
#### ➤ Who should get a lifetime tenancy?

People with long term mental or physical disability (77.29%) and people over 65 years old (76.93%) were the most strongly supported categories for lifetime tenancies.



➤ **How long do you think the minimum period should be for the grant of a flexible tenancy?**

5 years was the most popular choice as the minimum period for a flexible tenancy (43.78%).



### People's Day 2011

Consultation at People's Day took place on 9 July and took a different format to the questions asked in the web survey as these were not developed until late 2011. The conclusions were as follows:

- The majority of respondents said they would be prepared to pay a higher rent if the home better suited their needs, except for housing association tenants;
- Respondents selected persons over 65 years old and persons with long term mental or physical disability as groups who should get lifetime tenancies;
- Many respondents made no comment about the length of a social tenancy. Of those who did, 5 or 10 years were the most popular.

### Lewisham Pensioner's Forum

Consultation at LPF took place at a meeting on 15 August and took a different format to the questions asked in the web survey as these were not developed until late 2011. The conclusions were as follows:

- The majority of respondents said they would be prepared to pay a higher rent if the home better suited their needs, except for housing association tenants;
- Respondents selected persons over 65 years old and persons with long term mental or physical disability as groups who should get lifetime tenancies;
- Many respondents made no comment about the length of a social tenancy. Of those who did, permanent for disabled, 10 years and 40/50 years were suggested.

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