

## **Appendix C: Location Priority Policy - Equality Analysis Assessment**

### **1. Introduction**

- A. Public bodies such as local authorities are legally required to consider the three aims of the Public Sector Equality Duty (set out in the Equality Act 2010) and document their thinking as part of the process of decision making. The Act sets out that public bodies must have regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation;
  - advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic;
  - foster good relationships between those who share a protected characteristic and those who do not share that characteristic.
- B. This equality analysis assessment sets out how the Council has considered the likely impact of the Location Priority Policy on the characteristics protected under the Equality Act of 2010.

### **2. Location Priority Policy - background and context**

- A. The Council has a duty to provide suitable temporary accommodation under part VII Housing Act 1996 and under Part III, Children Act 1989 to households who are eligible, homeless and have a priority need until a decision has been reached on their application as to what duty if any is owed. If the council decides that it owes a 'full housing duty' an applicant will continue to be provided with temporary accommodation until they find their own accommodation or are offered permanent housing.
- B. The Council takes into account the circumstances of each household when allocating temporary accommodation to ensure that it is suitable. Lewisham Council's Location Priority Policy outlines the approach that will be taken in making placements into temporary accommodation and formalises an approach that has been in operation informally for a number of years.
- C. The Council would prefer for all placements to be made within borough boundaries and it is important to note that of those placed out of borough. However, in borough placements are in increasingly short supply due to rising costs and benefit restrictions and it is likely that an increased proportion of households will need to be placed out of borough and possibly out of London in future.
- D. The aim of the Location Priority Policy is to prioritise the supply of suitable, in or close to borough temporary accommodation to those that need it the most and make the Council's position consistent and transparent.
- E. Depending on their individual circumstances, households could be placed in one of three groups:
- Priority to be located in the London Borough of Lewisham
  - Priority to be located close to the London Borough of Lewisham
  - No priority as to the location of a property

- F. The Location Priority Placement provides guidelines for officers to follow and ensures that the individual circumstances of each case are considered. All placements are subject to a thorough suitability assessment to determine the type and location of accommodation that should be offered.

### **3. Consultation**

- A. A consultation event was held on 25 September as a means of providing information to stakeholders on the proposed policy and an opportunity for them to communicate their views and raise any concerns that they might have. Officers attended the Homelessness Forum in order to give a verbal invitation to the event and invitations were also sent via the Forum's email list. Invitations were also sent to a range of other support services including housing, health and preventative services. A total of 18 people attended the event.

- B. Issues and questions raised is provided can broadly be summarised along with responses on the day under the following headings:

- General questions and comments

Questions were largely about clarifying the details of the policy and its implementation which were provided on the day.

- Financial impact on service users

Concern was particularly raised about the impact on people who might want to travel back to Lewisham for work, study or to access services. Concern was noted but it was pointed out that accommodation outside of the borough would be more affordable and therefore sustainable because it would put less of a financial burden on service users.

- Equalities impact

Concern was raised about the possibility that people from black and minority ethnic communities or with particular religious beliefs might be placed in parts of the country they would become isolated or potentially ostracised. Participants were assured that officers would be sensitive to these issues when considering options around housing.

- Health and wellbeing impact

Concern was mainly around taking people away from specialist support services that they were accessing in the borough, such as those around issues such as substance misuse or domestic violence. Again participants were assured that these issues would be taken into account when considering options around housing.

### **4. Impact of proposed changes on specific groups**

In developing Lewisham's Location Priority Policy, consideration has been given to the impact of the proposals on specific groups protected under the Equality Act 2010. The Act provides specific protection to the following:

Age	<p>Overall, the impact is positive as it formalises existing practises, making them more transparent, consistent and clearly defined.</p> <p>Priority for housing is generally through having dependent children, and there are therefore a higher proportion of younger households in receipt of temporary accommodation.</p> <p>The Location Priority Policy stipulates that the welfare of children is a key consideration, which means that families with children are more likely to be placed in or close to borough.</p>
Disability	<p>Overall, the impact is positive as it formalises existing practises, making them more transparent, consistent and clearly defined. In general disability is not part of the assessment criteria specified within the policy – except for the following exceptions</p> <ul style="list-style-type: none"> <li>• Households with children subject to an Education Health and Care Plan (EHCP) or a Statement of Special Educational Needs in the London Borough of Lewisham which cannot be transferred to another local authority without causing serious detriment to the child’s welfare will qualify for ‘In-borough’ priority.</li> <li>• This will also be true for applicants who have a longstanding arrangement to provide essential care to another family member in the London Borough of Lewisham who is not part of the household. Carers must be in receipt of Carer’s Allowance.</li> <li>• Disabled applicants receiving treatment for a physical or mental health condition from a specialist hospital unit which cannot be transferred to another NHS service or they are at a critical point in their treatment.</li> </ul> <p>Disabled applicants may also be able to show other circumstances which demonstrate an exceptional and compelling need which cannot be met outside of the London Borough of Lewisham.</p>
Gender	<p>Overall, the impact is positive as it formalises existing practises, making them more transparent, consistent and clearly defined. There are a higher proportion of women amongst service users – this is explained by the higher proportion of families with mothers as compared to those with fathers and the fact that children are a key consideration for local authorities in providing accommodation.</p>
Gender reassignment	<p>No data is collected on gender re-assignment in relation to housing but a clearer and more transparent process based on individual assessment is likely to be beneficial to all groups.</p>
Marriage & civil partnership	<p>Positive for the general reasons already given. No data is collected on marital status, though the majority (75 %) are single or single parent households, suggesting a relatively low percentage of married or civil partnerships in this group.</p>

Pregnancy & maternity	Positive, for the general reasons of clarity and transparency. No data is collected on pregnancy & maternity.
Race	<p>The introduction of the policy is overall positive as it formalises existing practices whilst at the same time making them more transparent, consistent and clearly defined.</p> <p>Data gathered in 2014-15 shows that 73% of service users are from black and minority ethnic communities and it is recognised therefore that there will be a higher level of impact on this group. However the individual assessment carried out on each case allows for any factors which may be related to race to be considered.</p>
Religion & belief	<p>No data on religion and belief is collected in relation to housing. A clearer more transparent process based on individual assessment is likely to be beneficial to all groups.</p> <p>As part of the duties under the Equality Act 2010, the Council will have due regard to the religion or belief of the applicant when determining the suitability of a property. Individuals will be have the opportunity to show other circumstances which demonstrate an exceptional and compelling need which cannot be met outside or near to the London Borough of Lewisham.</p>
Sexual orientation	Positive – no data is collected on sexuality but a clearer more transparent process based on individual assessment is likely to be beneficial to all groups. However the individual assessment carried out on each case allows for any factors which may be related to sexuality to be considered under ‘exceptional and compelling circumstances’.

## 5. Conclusion

As noted above, it is anticipated that the introduction of a Location Priority Policy will have a positive impact on all groups protected under the Equality Act 2010 because it will provide a clearer more transparent process in the allocation of housing. This Equalities Analysis Assessment recognises that the implementation of the policy will have a greater impact on specific groups because they have a higher representation within the overall service user profile. The impact on these groups will be mitigated by the individual assessment carried out on each case which will allow for any relevant factors to be considered in the allocation of housing.