



Private Rented Sector Offers Policy

Equalities Analysis Assessment

Introduction

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.

Background and Context

This equality analysis assessment sets out how the Council has considered the likely impact of the Private Rented Sector Discharge Policy on the characteristics protected under the Equality Act of 2010.

The Private Rented Sector Discharge Policy will provide a framework for the way in which the Council will discharge its main housing duty under s.193 Housing Act 1996 by making a suitable offer of accommodation in the private rented sector. The policy applies to applicants for housing assistance under Part VII Housing Act 1996 and not allocations under Part VI HA 1996.

The aims of the policy are to increase the supply of suitable accommodation available to the Council for those who the Council has determined it owes the main housing duty and to make best use of all available housing supply having regard to the prevailing housing circumstances.

The policy will also enable households owed the main housing duty to receive an offer of suitable accommodation in the shortest possible time and will help to reduce the associated costs of providing longer term temporary accommodation.

The Private Rented Sector Policy 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.

The draft PRSO Policy states that:

- 2.1 The Council will normally seek to bring the main housing duty under Part VII to an end by arranging a PRSO, subject to the exceptions set out below, and provided that the Council can identify available accommodation which it is satisfied is suitable for the circumstances of the individual household.
- 2.2 A PRSO will not normally be offered where there are exceptional circumstances which make a PRSO inappropriate. Such cases may include the following:

- (a) Where a household requires adaptations to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.
- (b) Where a household is unable to manage a tenancy in the private rented sector without a substantial level of tenancy related support.

Identification of the aims/objectives

The aim of the Private Rented Sector Discharge Policy is to facilitate the speedy transition from temporary accommodation to suitable, more stable private rented sector accommodation and to make the Council's position consistent and transparent. The accompanying Location Policy seeks to prioritise the supply of suitable, in or close to borough accommodation offer to those that need it the most.

Initial considerations

- 1.1 It is acknowledged that the proposed policy may have an adverse effect on homeless people. This includes:
 - Reducing the prospects of them being able to obtain social housing
 - It may increase the likelihood that they are housed outside of the borough because of the scarcity of affordable PRS accommodation in the borough
- 1.1 Currently, homeless applicants are usually housed in temporary accommodation until an offer of social housing can be made. This will continue to be the case, and the Council will continue to allocate homes which become available to let in the manner set out in the Allocations Policy and taking into account the proposed PRSO Policy, if and when it is approved by Mayor and Cabinet.
- 1.2 However, as set out in this report, the number of homes which become available to let has been decreasing, whilst the demand in terms of homeless applications continues to increase. This means that many homeless applicants have to stay in temporary accommodation for a long period of time. For example, the average length of time that a homeless household needing a two bed property will spend in temporary accommodation is 92.6 weeks
- 1.3 By its nature temporary accommodation is unsettled, meaning that households in temporary accommodation often have to move to different types of accommodation depending on what is available, causing disruption and uncertainty. Some temporary accommodation has shared facilities such as shared bathrooms which make it unsuitable as long-term accommodation.
- 1.4 The proposed PRSO Policy, therefore, is intended to improve the outcomes for those homeless applicants who would otherwise have to stay in temporary accommodation for an unsustainable length of time. Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move out of temporary accommodation and into homes that are suitable and affordable.
- 1.5 The suitability requirements for a PRSO mean that the property is likely to be of a higher standard than the temporary accommodation we are able to procure, especially compared to nightly paid accommodation.
- 1.6 A private rented sector offer might also result in an offer of settled accommodation being made more quickly, and reduce the amount of time a households has to spend in temporary accommodation waiting for social housing.

- 1.7 The policy is intended to give households greater certainty and stability, though it is acknowledged that social housing overall offers a higher level of long-term security of tenure compared with private rented tenancies. However the majority of Housing Associations now offer fixed term tenancies, and pending regulations will also make it mandatory for the Council to offer fixed term tenancies to new tenants. The majority of homeless households had previously been living in the private rented sector before they present themselves to the council.
- 1.8 Whilst rents are generally much higher in the private rented sector, a PRSO must be affordable for the specific applicant before it can be made. Rents are also likely to be less than the rents charged in nightly paid accommodation.

Relevant data regarding homeless households in London and Lewisham

- 1.9 Across Greater London between April 2015 and September 2016, the highest proportion of homeless applicants were aged 25-44 (60%) and female with dependent children or pregnant (49%). The two highest ethnic groups were black and minority ethnic (33%) and white (32%)
- 1.10 In Lewisham between April 2015 and September 2016, there was a high proportion of homeless applicants who were 25-44 (65%), black and minority ethnic (52%) and female with dependent children/pregnant (51%).
- 1.11 The tables below show the equality data in Lewisham and Greater London held for applications where a homeless duty was accepted 1st April 2015 – 31st September 2016.

Age

Age Band	Lewisham		Greater London (%)
	Total	%	
16-24	145	13.0%	17%
25-44	720	64.5%	60%
45-59	217	19.4%	19%
60-64	11	1.0%	2%
65-74	12	1.1%	2%
75 & Over	11	1.0%	1%
Total	1116		

Sex & Household Type

Household Type	Lewisham		Greater London (%)
	Total	%	
Couple with dependent children*	282	25.3%	24.7%
One Person (Male) w/ Dependent Children	56	5.0%	3.5%
One Person (Female) w/ Dependent Children	568	50.9%	49.0%
One Person - Male Applicant	36	3.2%	10.3%
One Person - Female Applicant	106	9.5%	7.2%

All other household groups	68	6.1%	5.3%
Total	1116		

Ethnicity

Lewisham			Greater London (%)
Ethnicity	Total	%	
White	314	28.1%	31.9%
Black	583	52.2%	32.5%
Asian	64	5.7%	14.0%
Mixed	31	2.8%	5.0%
Other	104	9.3%	8.5%
Ethnicity Not Stated	20	1.8%	8.1%
Total	1116		

1.12 Because certain groups who have protected characteristics are disproportionately represented amongst the homeless, these groups are likely to be disproportionately affected by any adverse effects of the PRSO policy. In particular the following groups have been identified:

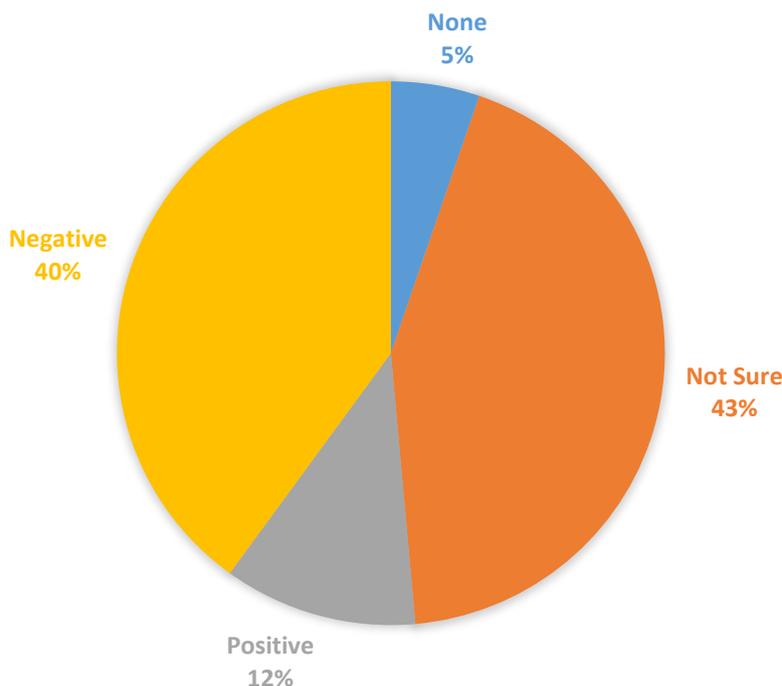
- People who are Black and Minority Ethnic
- Single mothers
- People who have a disability

1.13 As part of the consultation described in this report, questions pertinent to equality considerations were asked of households who may be affected by the proposed policy in order to inform the mitigations designed to operate alongside the policy. Responses to these questions are outlined below.

Consultation

1.14 As part of the consultation, clients were asked whether they thought that the proposed policy would have positive or negative impact on them, what they thought this would be, and if they thought that any further mitigations could be put in place to manage the impact. Responses to this question are shown in the chart below:

DO YOU THINK THIS WILL HAVE A POSITIVE OR NEGATIVE IMPACT ON YOU?



1.15 A large number of respondents said that were not sure what the impact would be on them. Two fifths thought it would be negative whilst 12% thought it would be positive.

1.16 Comments regarding potential impact and suggested further measures to mitigate the impact.

Type of comment	Response
Concerns about not being able to pay the rent	The Council is required to consider the affordability of any potential PRS offer, and to ensure a potential PRSO would be affordable for the particular household in question based on their specific circumstances.
Concern that they will find themselves homeless again	If someone who is given a PRSO is evicted within 2 years of accepting a PRSO then the reapplication duty will apply. This means that the household would be accepted as homeless and a duty owed to them. This helps to mitigate the potential for instability in the private sector.
Concerns around the instability of the Private Rented Sector	It is acknowledged that tenancies in the PRS offer less stability than social housing. However as above if a PRSO tenancy ends within two years then the reapplication duty will apply. This

	<p>means that PRSOs arranged by the Council would come with more stability than general PRS tenancies.</p> <p>It would also be the Council's general approach to offer two year tenancies.</p> <p>Furthermore, it is anticipated that Fixed Term Tenancies will soon become mandatory for the vast majority of new council tenants.</p>
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Impact Assessment for specific protected characteristics

Disability

- 1.17 The proposed policy contains an exemption for households who require significant adaptations to their property to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation. For example this may include households who require wheelchair accessible accommodation.
- 1.18 The proposed policy also contains an exemption where a household is unable to manage a tenancy in the private rented sector without a substantial level of support (due to a mental health condition for example).
- 1.19 Some households with members who are disabled and do not meet the above criteria may be made a private rented sector offer. If the Location Priority Policy, when applied, means that this could be out of the borough then this could have negative impacts in terms of the possible need to transfer care and support, and the disruption to informal support networks.

Race

- 1.20 Households from black and minority ethnic backgrounds are disproportionately represented amongst homeless households in Lewisham, and are therefore likely to be disproportionately affected by any adverse effects of the PRSO policy. Due to the scarcity of affordable PRS accommodation in the borough, this includes the likelihood of being made offers of accommodation out of the borough, in line with the Location Priority Policy.

Faith/Belief

- 1.21 Households with different faiths and beliefs could potentially be negatively impacted if they are made an offer of accommodation outside London. For example, it may be more difficult to access places of worship and other religious or cultural institutions. This would depend however on the area where the offer was made.

Gender

1.22 Women are more likely to be affected by the PRSO policy as there are more homeless households where the lead applicant is female. Single parents, who are more likely to be female and who are disproportionately represented amongst Lewisham's homeless population, will be negatively impacted if they are made an offer of accommodation outside of the borough as this may disrupt support networks and childcare arrangements.

Age - Children

1.23 Children would potentially be negatively impacted if they and their family needs to move out of the borough and potentially start at a new school. This can be disruptive, especially if a child is due to sit key exams. Children with special educational needs or those that are working with Family Services may be particularly affected by changing school.

Marriage and civil partnership

1.24 The impact on marriage or civil partnership specifically is likely to be minor as the Council's policies apply to the household as a whole. There may be an impact on children within a household but these are identified within the other categories listed here.

Pregnancy and maternity

1.25 People with children are disproportionately represented amongst the homeless, in particular single mothers. Someone who is pregnant will have links to local services and these links could be disrupted if they need to move out of the borough. Someone on maternity leave may be less easily able to return to work if they have to move out of the borough whilst they are on maternity leave.

Age – Older people

1.26 Generally, there is sufficient supply of sheltered social housing in Lewisham to meet demand. It is therefore much less likely that older people will be made PRS Offers and it is likely that suitable accommodation can be found for them in the borough. If in the future demand for sheltered housing outstrips supply then this impact assessment would need to be reviewed.

Sexual Orientation

1.27 The data currently held on the sexual orientation of applicants is inconsistent and incomplete, however there is an opportunity for applicants to tell officers their sexual orientation throughout the process. If an LGBT person is made an offer of accommodation outside of the borough, this may impact on their support networks. In particular, the availability of support services aimed at LGBT groups may be less in locations other than London, however this would depend on the exact location of where the offer was made.

Gender reassignment

1.28 An offer of accommodation outside of London may negatively impact someone who is undergoing gender reassignment as it may disrupt existing support

networks. It is also possible that there would be fewer services available to them, however this would depend on the exact location of where the offer was made.

Actions identified to mitigate identified impacts

1.29 The table below outlines the policies and actions which are proposed in order to mitigate the adverse impacts which have been identified:

Group	Mitigations
All households	<ul style="list-style-type: none"> • The existing Location Priority Policy will be applied to locational decisions. This policy states that the Council will endeavour to place all households within or as close as possible to the borough. • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Every offer of accommodation will take into account the household's individual circumstances to ensure that an offer is suitable to their particular circumstances • Resettlement support will be offered where an offer is made out of London
Disability	<ul style="list-style-type: none"> • The policy exempts some disabled households, for example those requiring significant adaptations and those who may be unable to manage a private sector tenancy. These households will be prioritised for in-borough social housing. • The existing Location Priority Policy will be applied to decisions regarding location. Households which meet the following criteria will also be prioritised for in-borough social housing. <ol style="list-style-type: none"> a. They are 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. • Resettlement support will be offered where an offer is made out of London
Race	<ul style="list-style-type: none"> • The existing Location Priority Policy will be applied to locational decisions. This policy states that the Council will endeavour to place all households within or as close as possible to the borough. • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Faith/belief	<ul style="list-style-type: none"> • The existing Location Priority Policy will be applied to locational decisions. This policy states that the Council will endeavour to place all households within or as close as possible to the borough.

	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Gender	<ul style="list-style-type: none"> • Some carers, who are more likely to be women, will be prioritised for in-borough accommodation as the Location Priority Policy states that households will be prioritised for in-borough accommodation where: <ul style="list-style-type: none"> • They 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. • Women who are on maternity leave from employment and who have been continuously employed close to the London Borough of Lewisham for 16 hours or more per week in a role which cannot be transferred to another area meet the above criteria will also be prioritised for placements close to the London Borough of Lewisham. • Resettlement support will be offered where an offer is made out of London
Age – children	<ul style="list-style-type: none"> • Some households with children will be prioritised for in-borough accommodation under the Location Priority Policy, including: <ul style="list-style-type: none"> • Children subject to a Child Protection Plan in the London Borough of Lewisham which cannot be transferred to another local authority without causing serious detriment to a child's welfare. • 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. • In addition, households with children in the following categories will be prioritised for accommodation close to the borough: <ul style="list-style-type: none"> • 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. • Resettlement support will be offered where an offer is made out of London
Age – older people	<ul style="list-style-type: none"> • Older households who are eligible for sheltered housing are likely to be able to be housed in sheltered housing within the

	<p>borough, as there is sufficient supply to match demand currently</p> <ul style="list-style-type: none"> • Resettlement support will be offered where an offer is made out of London
Sexual orientation	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Gender reassignment	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Marriage and civil partnerships	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Pregnancy and maternity	<ul style="list-style-type: none"> • Women who are on maternity leave from employment and who have been continuously employed close to the London Borough of Lewisham for 16 hours or more per week in a role which cannot be transferred to another area meet the above criteria will also be prioritised for placements close to the London Borough of Lewisham. • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London

Conclusion of equality impact assessment

1.30 The impact of the Private Rented Sector Offers Policy, if approved, is that households to whom the Council owes a duty under s.193 Housing Act 1996 may receive an offer of suitable accommodation in the Private Rented Sector rather than an offer of social housing as a means of the Council discharging this duty.

1.31 This Policy is considered to be necessary due to the high demand for, and the limited supply of, social housing. The result of this lack of supply is that more homeless households are being placed into temporary accommodation for longer

periods of time. For example, the average length of time that a homeless household needing a two bed property will spend in temporary accommodation is 92.6 weeks. By its nature, temporary accommodation is unsettled, and many households in temporary accommodation have to move to different types of accommodation depending on what is available, causing disruption and uncertainty. Where this temporary accommodation takes the form of nightly paid accommodation, it is also unsustainably expensive.

1.32 A number of impacts of the proposed policy have been identified. To summarise, these include:

- Households will be less likely to be made an offer of social housing
- Households are more likely to be housed out of the borough, due to the scarcity of affordable housing in the borough
- Households' support networks could be disrupted if they are made an offer of accommodation out of the borough

In addition, as part of the consultation households have informed us of further concerns that they have. These include

- Concerns about not being able to pay the rent
- Concern that they will find themselves homeless again
- Concerns around the instability of the Private Rented Sector

In response to all the identified impacts, the Council has put in place a number of mitigations. These are:

1. Including the following exemptions in the PRSO Policy, so that the following households will be prioritised for social housing :
 - Where a household requires significant adaptations to their property to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.
 - Where a household is unable to manage a tenancy in the private rented sector without a substantial level of support.
2. Applying the existing Location Priority Policy to any decisions of location. The Location Priority Policy identifies the following additional criteria for prioritising households for accommodation in the borough:
 - They are 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.
 - Children subject to a Child Protection Plan in the London Borough of Lewisham which cannot be transferred to another local authority without causing serious detriment to a child's welfare.
 - 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.

- They 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.
- Other circumstances which demonstrate an exceptional need which cannot be met outside of the London Borough of Lewisham.

The Location Priority Policy also contains the following criteria for prioritising households for accommodation close to the borough:

- They have been continuously employed close to the London Borough of Lewisham for 16 hours or more per week in a role which cannot be transferred to another area. Applicants must have been employed in this role for six months prior to the date of application and remain so employed. Wherever practicable, the Local Authority will seek to place such households within 90 minutes travelling distance, by public transport, from the place of employment at the time of application.
- Women who are on maternity leave from employment and meet the above criteria will also be prioritised for placements close to the London Borough of Lewisham. Wherever practicable the Local Authority will seek to place such households within 90 minutes travelling distance by public transport from their place of employment.
- Children who are enrolled in GCSE, AS, or A level courses in the London Borough of Lewisham, with public exams to be taken within the current or next academic year. Wherever practicable the Local Authority will seek to place such households within 90 minutes travelling distance by public transport of their school or college.
- Other exceptional circumstances, where applicants demonstrate an exceptional need to be housed close to the London Borough of Lewisham.

3. When a PRSO is arranged, it will need to be suitable for the individual household, including in terms of its location.

4. A PRSO will need to be affordable for an individual household

5. The Council will provide resettlement support for any resident who is made an offer of accommodation out of the borough

6. The "re-application duty" will apply where a household has been made a PRSO which then ends within two years

7. Where possible, properties will be procured within London and the wider South East and in urban areas whose population diversity is more similar to Lewisham's.

These mitigations have been designed to manage the impact of the PRSO Policy. The potential adverse impacts also need to be considered against the disadvantages to homeless applicants of remaining in temporary accommodation for longer periods of time.

Action plan and timetable

Activity	Details	Timescale
Review the current suitability checklist	Ensure that the suitability checklists and interviews includes opportunities to disclose information about the protected characteristics which themselves and other members of their household hold.	Next 3 months
Amend online forms	Include monitoring data on the online homelessness application forms so that equalities data can be reviewed in time	Next 3 months
Staff Training	Ensure that staff are trained to implement the policies	Next 3 months
Staff Training	Encourage all staff to take part in training on the Equalities Act 2010	Next 6 months
Procurement Strategy	Review PRS Procurement Strategy	Next 6 months
Review impact	The Council should review at 3 monthly intervals information held about the households who are discharged into the Private Rented Sector.	Over the next 12 months
Update the EAA	This document should be updated when more specific information has been collected	Over the next 12 months

Publication of Results

The results of this EAA will be reported on the Council's web pages as part of wider equalities data reporting, as appropriate.

Monitoring

The EAA Action plan and timeline for the proposed policy changes will be monitored through the project reporting structure

Demographic data of consultation respondents

Some responses were not provided to some questions by respondents and as such the total number of responses may differ from question to question.

Which of the below best describes you?

	Responses	%
Currently living in Temporary Accommodation	194	88.58%
Housing Provider	10	4.57%
Partner Agency	3	1.37%
Member of the Public	8	3.65%
Other	4	1.83%
Total	219	

Age

	Responses	%
Under 18 years	1	0.46%
18-24	8	3.70%
25-29	26	12.04%
30-34	39	18.06%
35-39	29	13.43%
40-44	43	19.91%
45-49	31	14.35%
50-54	17	7.87%
55-59	10	4.63%
60-64	5	2.31%
65+	5	2.31%
I'd rather not say	2	0.93%
Total	216	

Ethnicity

	Responses	%
African	90	42.06%
Any other Asian background	13	6.07%
Any other Black/ African/ Caribbean background	3	1.40%
Any other mixed/ multiple ethnic background	4	1.87%
Any other White background	24	11.21%
Bangladeshi	4	1.87%
Caribbean	24	11.21%
Chinese	2	0.93%
English/Welsh/Scottish/Northern Irish/British	18	8.41%
Gypsy or Irish Traveller	1	0.47%
Irish	2	0.93%
Other ethnic group	8	3.74%

Pakistani	1	0.47%
White and Black African	5	2.34%
White and Black Caribbean	3	1.40%
I'd Rather Not Say	12	5.61%
Total	214	

Gender

	Responses	%
Male	48	22.22%
Female	166	76.85%
I'd Rather Not Say	2	0.93%
Total	214	

Transgender

	Responses	%
Yes	7	4.05%
No	160	92.49%
I'd rather not say	6	3.47%
Total	173	

Disability

	Responses	%
Yes	28	13.40%
No	170	81.34%
I'd rather not say	11	5.26%
Total	209	

Religion

	Responses	%
None	27	12.80%
Christian (all denominations)	122	57.82%
Buddhist	2	0.95%
Hindu	4	1.90%
Jewish	0	0.00%
Muslim	39	18.48%
Sikh	0	0.00%
Any other religion/ belief	7	3.32%
I'd rather not say	10	4.74%
Total	211	

Sexual Orientation

	Responses	%
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Straight/ heterosexual	181	90.05%
Gay/ lesbian	2	1.00%
Bisexual	1	0.50%
Other	3	1.49%
I'd rather not say	14	6.97%
Total	201	

Pregnancy & Maternity

	Responses	%
Yes	16	8.04%
No	175	87.94%
Prefer not to say	8	4.02%
Total	199	