



# **Housing Allocations Policy Review**

## **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**

Housing Allocations schemes are governed by legislation which requires housing authorities to determine and publish a lettings scheme setting out how it will prioritise applications for social housing. It is a requirement that certain groups are given “reasonable preference” within the policy. These groups include:

- People who are homeless within the meaning of Part 7 of the Housing Act 1996
- People who are owed a duty under the homelessness legislation
- Those living in unsatisfactory housing, e.g. overcrowded or lacking amenities
- Those who need to move on medical or welfare grounds
- In addition, other legislation imposes rehousing obligations in relation to those owed a duty under other relevant legislation such as where a closing order is made on a property.

Allocations policies must give preference to these groups above others. There is no requirement to give an equal weighting to all of the reasonable preference categories

## Identification of the aims/objectives

The proposed changes to the Allocations policy seek to achieve a number of ends. Many of the recommendations are clarifying the existing policy and formalising the approach that the borough is taking. Other recommendations are seeking to improve the process by providing tools to facilitate the letting process and through disincentives to behaviour that restricts the ability of the council to let property. The changes also seek to build on the policy to ensure that those most in-need are able to access the Housing Register.

The most significant change proposed is to change the local connection rule from two years to five years for new applicants as a way of managing demand.

## Assessment of relevant data and research

The key data needed for this Equalities Assessment is the profile of service users. Much of this information is provided as part of a housing application and can be sourced from the in-house system. Analysis has been undertaken into the profile of applicants who are on the Housing Register as at November 2016. Where key data is not available this will be clearly stated alongside the action that will be taken to minimise any potential negative impact.

## Analysis of Protected Characteristics

### Age

#### **Age of the Primary Applicant on the Housing Waiting List as at November 2016**

Age Band	Number on Waiting List	%
Under 20	68	1%
20-24	407	4%
25-39	3349	36%
40-59	4113	44%
60+	1492	16%
<b>Total</b>	<b>9430</b>	

#### **London Borough of Lewisham – Census 2011**

Age Band	Total	%
Under 20	70,058	25%
20-24	20,883	8%
25-39	79,338	29%
40-59	69,668	25%
60+	35,921	13%
<b>Total</b>	<b>275,868</b>	

### **Key considerations/potential impacts:**

44% of main applicants on the housing waiting list are aged between 40 and 59, and a further 36% are aged between 25 and 39. These age groups are over-represented when comparing the waiting list to the population of the borough, however this is reflective of those age groups which are more likely to be the lead applicant seeking rehousing through the housing list.

The policy document recommends changes to the age criteria at which a household member would be classed as an adult from 18 years old to 21 years old. This would have an impact on

the number of bedrooms that a household would be eligible for. Over 1,200 households on the register have an 18-21 year old included in their application and would be immediately impacted by this change, although the number of households which would see a change in their bedroom entitlement is much smaller as this is dependent on the composition of the household. There are currently 347 households on the waiting list where there is at least one person aged 18-20 and where there is someone else of the same sex who is aged 10-17, which represents 3.7% of the housing register.

Whilst there may be a negative impact on 18-21 year olds as the proposal could mean that they were no longer entitled to their own bedroom, this would be mitigated by the increased likelihood of the household being able to successfully bid for a property due to the larger number of smaller properties available.

Clarification of the wording and timescales around households accepted through the Emergency Housing Panel is likely to have a positive impact on all, by clearly setting out the steps that will be taken to assist those prioritised through this method and to ensure that those approved through the housing panel are aware of the pressures on the housing register and the likely timeframes involved.

Disability

Over 2,100 households recorded either the primary applicant or the joint applicant as having an impairment, representing 23% of the Housing Register. This suggests that disabled people are likely to be overrepresented among applicants on the council’s waiting list.

**Number of Households on the waiting list in November 2016 and their disability**

Nature of Impairment	Number of Households	% of Register
Learning disability or Cognitive impairment	117	1%
Long-standing illness or health condition	606	6%
Physical impairment	456	5%
Sensory impairment	98	1%
Mental health condition	354	4%
Other	1171	13%

The above table captures the number of households where either the primary applicant or the joint applicant recorded that they have an impairment and the nature of this impairment. Over 500 households recorded more than multiple impairments.

**Key considerations/potential impacts:**

The proposed changes include a provision that an additional bedroom can be recommended by the medical advisor on medical grounds. This is a clarification of existing policy and will result in no substantive change in the impact of the policy towards those with a disability.

Proposed changes to the bedroom standard might have an impact on aged those between 18 and 21 who have a disability and who would no longer be automatically entitled to a bedroom because of age. This is mitigated by the clarification of the policy with regards to the medical officer and their authority to permit an extra bedroom on medical grounds.

Clarification of the wording and timescales around households accepted through the Emergency Housing Panel is likely to have a positive impact on those with a disability, by clearly setting out the steps that will be taken to assist those prioritised through this method and to ensure that those approved through the housing panel are aware of the pressures on the housing register and the likely timeframes involved.

Changes proposed to suspend applicants from the register where they refuse a number of properties could impact on those with a disability. To mitigate this, there should be clear warnings noting this policy change and officers should be clear and consistent in the application of this as well as taking appropriate steps to explain the policy to those applicants whose disability may affect their understanding.

Individuals applying to be on the Housing Register are asked whether they consider themselves to be a disabled person and if so, what type of impairment they have. The service should continue to monitor the impact of the policy and any changes on those who consider themselves to be disabled and to take measures to mitigate any impact.

Gender reassignment

Over 90 applicants on the Housing Register recorded themselves as transgender, representing almost 1% of the register.

**Key considerations/impacts:**

The proposed changes to the bedroom standard may have an impact on those who have a different gender identity to that assigned at birth, as those aged between 18 and 20 will be required to share a bedroom with any other member of the household of the same sex who is aged 10 to 17. The service should ensure that any applications including transgender household member are allocated a number of bedrooms based on the application of the policy in accordance with the gender which the household member identifies as rather than the gender they were assigned at birth.

Individuals applying to be on the Housing Register are asked whether their gender identity is different to the gender they were assigned at birth. The service should continue to monitor the impact of the policy and to take measures to mitigate the impact on those who are transgender.

Marriage and Civil Partnership

Whilst no specific marital status data is captured when an individual is applying to join the Housing Register, the application requests that the relationship between the primary applicant and household members is recorded for those present within the household.

1,210 household members were described as having a relationship of Husband or Wife with the main applicant, broken down as below.

**Number of Household members on the Housing Register that are husband or wife to the primary applicant**

<b>Relationship</b>	<b>Number of Household Members</b>
Husband	636
Wife	574

**Key considerations/impacts:**

The proposed changes to the bedroom standard may have an impact on household members who are married and not the main or joint applicant, as the marital status of those who are not the core applicants is not considered when determining the bedroom allocation of a household.

The service should continue to monitor the impact of the policy and to take measures to mitigate the impact on those who are married or in a civil partnership.

Maternity and Pregnancy

192 households on the Housing Register are recorded as having a pregnancy as at November 2016.

**Key considerations/impacts:**

The proposed changes will result in no disproportionate change in the impact of this policy on households with a pregnancy. The service should continue to monitor the impact of the policy and to take measures to mitigate the impact on pregnant households.

Race

**Ethnicity of the Primary Applicant for all Households on the Housing Register**

<b>Ethnicity</b>	<b>Primary Applicants</b>	<b>%</b>
African	980	10%
Any other Asian background	125	1%
Any other Black/ African/ Caribbean background	190	2%
Any other ethnic group	176	2%
Any other mixed/ multiple ethnic background	74	1%
Any other White background	282	3%
Arab	17	0%
Bangladeshi	31	0%
Caribbean	915	10%
Chinese	68	1%
English/Welsh/Scottish/Northern Irish/British	1392	15%
Indian	25	0%
Irish	56	1%
Not disclosed	4894	52%
Pakistani	23	0%
White and Asian	11	0%
White and Black African	38	0%
White and Black Caribbean	133	1%
<b>Total</b>	<b>9430</b>	

**London Borough of Lewisham – Census 2011**

<b>Ethnicity</b>	<b>Total</b>	<b>%</b>
White	147,684	54%
Mixed	20,468	7%
Asian or Asian British	25,533	9%
Black or Black British	74,933	27%
Other Ethnic Groups	7,251	3%
<b>Total</b>	<b>275,869</b>	

**Key considerations/impacts:**

For 52% of households that are on the Housing Register we do not have information as to their ethnicity, either due to this data not being part of the form at the time of application or due to non-disclosure by the applicant.

Of those who have provided a response there is a greater proportion of households from BME groups than in the borough as a whole. The proposed changes will result in no disproportionate change in the impact of this policy on households from a BME group. The service should continue to monitor the impact of the policy and to take measures to mitigate the impact on applicants from BME groups.

Religion or belief

Religion	Primary Applicants	%
Any other religion/belief	62	1%
Buddhist	36	0%
Christian (all denominations)	1596	17%
Hindu	22	0%
Jewish	1	0%
Muslim	316	3%
None	610	6%
Not disclosed	6747	72%
Prefer not to say	37	0%
Sikh	3	0%
<b>Total</b>	<b>9430</b>	

**London Borough of Lewisham – Census 2011**

Religion	Total	%
Christian	145,580	53%
Buddhist	3,664	1%
Hindu	6,561	2%
Jewish	643	0%
Muslim	17,760	6%
Sikh	531	0%
Other Religion	1,478	1%
No religion	75,149	27%
Religion not stated	24,503	9%
<b>Total</b>	<b>275,868</b>	

**Key considerations/impacts:**

For 72% of households that are on the Housing Register we do not have information as to their religion, either due to this data not being part of the form at the time of application or due to non-disclosure by the applicant

The proposed changes to the bedroom standard may have an impact on those who express a religion or belief and who are aged between 18 and 20 with another household member of the same sex aged 10 to 17. The reduction in bedroom allocation for those identifying as having a religion or belief could have an impact on their ability to freely express this.

The service should continue to monitor the impact of the policy and to take measures to mitigate the impact on applicants based on their religion or belief.

Sex

<b>Sex</b>	<b>Primary Applicant</b>	<b>Joint Applicant</b>
Female	6836	1278
Male	2471	1401

**Key considerations/impacts:**

The vast majority of primary applicants are female, therefore any changes to the Allocations Scheme will have a larger impact on women than on men.

The majority of cases considered by the Emergency Housing Panel involve female applicants. However the proposed change is intended to provide further clarity around this process, in particular as regards timings. It will not change the workings of the panel nor the level of service received. Therefore this is likely to be a positive change.

Sexual orientation

<b>Sexual Orientation</b>	<b>Primary Applicant</b>	<b>Joint Applicant</b>
Bisexual	15	2
Gay/Lesbian	11	2
Not disclosed	3633	1163
Other	10	0
Prefer not to say	53	12
Straight/Heterosexual	2903	624

**Key considerations/impacts:**

A large number of applicants have not informed the service of their sexual orientation, so the data presented is unlikely to give a true picture of the current waiting list.

The service should take steps to improve the quality of the data held, and continue to monitor the impact of the policy and to take measures to mitigate the impact on applicants based on their sexual orientation.

**Overall assessment of impact on service users**

The proposed change in the local connection criteria from 2 to 5 years potentially means that there are households in significant housing need but whom the council will be unable to help into social housing. In general terms the adverse impact of this change is likely to impact disproportionately on any group which is overrepresented among rehousing applicants, including disabled people, women and BME households. The main justifications for this adverse impact are directing housing towards those households with the greatest connection with the local area and managing demand in circumstances where demand for social housing greatly outstrips supply. By way of mitigation, those with a settled residence elsewhere can apply for rehousing within their area of residence.

It is also expected that the existing exceptions will ensure that households who have the most pressing housing needs are not prevented from applying for social housing due to lacking the five years' residence required, in particular because of exceptions for duty accepted homeless households and for care givers and receivers.

The matrix on page 10 details the mitigating actions that will need to be taken relating to the proposed changes. In particular, officers will need to monitor the impact of changes where data held may be incomplete or not current.



## Action plan and timetable

Activity	Details	Timescale
Monitor the impact of policy changes	Ensure that the proposed changes do not have any equalities implications which have not already been accounted for and mitigated	Ongoing, every three months
Ensure staff have had recent training on equalities issues	Ensure that adequate training is made available to all officers and monitor completion of the training to ensure compliance	Within 12 months
Ensure equality analysis is cascaded to all staff	Provide this equalities analysis to all staff within the service alongside the revised policy.	Within four weeks of date revised policy is approved
Regular discussion of equalities issues at staff briefings	Ensure that a discussion of equalities monitoring and assessment of impact is a standing item for service meetings	At every team meeting

## Publication of Results

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

## Monitoring

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

Matrix of changes and mitigating actions			
Proposed change	Equalities Category	Assessment of impact	Actions/Mitigation
Change in Local Connection	Age Disability Sex Race	<p>This change will only apply to new applicants, and the length of time they have lived in the borough is not directly linked to any protected characteristic.</p> <p>However, this change means that there are households with significant housing needs whom the council will not help due to their lack of settled residence. The adverse impact of this change is likely to impact disproportionately on any group which is overrepresented among rehousing applicants. It is expected that the existing exceptions will ensure that households who have the most pressing housing needs are not prevented from applying for social housing.</p>	<p>Officers will need to make reasonable adjustments where necessary to support people to provide appropriate evidence of a local connection.</p> <p>Monitoring of equality data relating to households disqualified on residence grounds to ensure that any equality impact is not disproportionate.</p>
Bedroom standard	Age Gender reassignment Marriage/civil partnership Disability Religion or belief	<p>This proposed change will mean that some people aged 18-20 will have to share a bedroom with another household member of the same sex aged 10-20. Under the current policy they would be given their own room and thus potentially enjoy greater privacy.</p>	<p>Officers to ensure that appropriate action is taken to ensure that the protected characteristics of a household or an individual household member are taken into account where these are affected by this policy change in a way that might unduly impact on said characteristic.</p>
Rent arrears	All	<p>Households who are in rent arrears will no longer be prevented from bidding for a property, however they must clear their arrears before being accepted for a property.</p> <p>This change will provide clarity to households on the register.</p>	<p>This will have a positive impact on all households as they will not be prevented from bidding for properties if they are in rent arrears, and the requirement will be to clear rent arrears upon successfully bidding for a property.</p> <p>The Housing Needs Group Service Manager will still retain the delegated authority to permit a move despite arrears where necessary.</p>
Right to Move	Disability	<p>New statutory guidance was introduced in March 2015 to introduce the 'Right to Move'. The intention behind this was to make it easier for social tenants to move if they need to for work reasons. The implications of the regulation is that local authorities are prevented from applying a local connection test that could disadvantage tenants who need to move across local authority boundaries for work related reasons.</p>	<p>This change will have a positive overall impact in allowing households that are eligible for social housing to join the register and access a quota of properties in the locale to which their employment has moved.</p>
Timescales clarification for Emergency Housing Panel cases	Disability Age Sex	<p>It is proposed to change the wording of section 2.2.3 in relation to the 12 week period in which Housing Panel and Supported Housing Priority cases may bid for themselves. The change will reflect that</p>	<p>This proposed change will have a positive impact as it will provide more clarity and help to manage the expectations of residents. This formalises existing practice and the actual operation of the panel at present.</p>

		this does not guarantee that an offer will be made or a bid will be successful in that time, and that the actual waiting time for a property may be longer dependent on availability and demand for properties.	
Clarification of temporary to permanent scheme	All	It is proposed to change the wording of section 3.4.5 of the policy. Currently this states that appropriate households in eligible properties may be signed up for permanent tenancies in those properties after 12 months has elapsed. The changes would permit this to be done within 12 months where appropriate.	The proposed change will have an impact in reducing the number of properties that are available to let to the general housing register through Choice-Based lettings. However, this is mitigated by allowing homeless applicants to settle more quickly and to facilitate a speedier transition to long-term, suitable accommodation.
Facilitate chain lettings	All	It is proposed to change the wording of section 3.4.6 of the policy. The proposed changes would allow properties that become available through Chain Lettings to be advertised for a specific purpose.	By enabling properties to be advertised for a specific purpose when they have been made available through a chain let, this will have a positive impact on all groups. This will allow the service to respond to the needs of its customers and to respond to demand drivers as and when they occur.
Applications suspension	Disability	There is currently no provision within the policy to limit the number of bids that a part 6 applicant can refuse (outside of the one offer policy categories). It is proposed that part 6 applicants who refuse 3 properties which they bid successfully for are suspended from bidding for 12 months	Officers to ensure that the process is clear to all users and that an appropriate warning system is in place to advise households of the potential outcome of refusing a number of properties.  Take appropriate steps to explain the policy to those applicants whose disability may affect their understanding.
Medical assessments	Disability	This change formalises and clarifies the process whereby the medical officer may allocate an extra bedroom to a household where there is suitable medical grounds to do so, and only on this basis.	This change will have a positive impact as it formalises existing procedure and clarifies the grounds on which a household may be eligible for an extra bedroom.