



# EQUALITY IMPACT ASSESSMENT

## DRAFT

Tenancy Strategy 2021 – 2026 and Tenancy Policy 2021

## Overview

1. The Public Sector Equality Duty placed a duty on all public bodies to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2. The duty has the following three aims:

- To remove or minimise disadvantages suffered by people due to their protected characteristics.
- To take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- To encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

3. The protected Characteristics are:

- Age
- Disability
- Gender
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion, belief, or lack of belief
- Sexual orientation
- Marriage and Civil partnership. (For this characteristic the duty only applies to the first aim to eliminate discrimination.)

## Equality Impact Assessment form (DRAFT)

<b>Division:</b>	Corporate Resources					
<b>Service, Policy or Function:</b>	Strategic Housing					
<b>Lead Officer:</b>	Perry DeSouza, Housing Policy Officer					
<b>Title of policy, function, or service:</b>	Tenancy Strategy and Tenancy Policy					
<b>Type of Decision</b>	Adoption					
<b>Type of Document</b>	Existing	<input type="checkbox"/>	New / Proposed	<input checked="" type="checkbox"/>	Changed	<input type="checkbox"/>

<b>Aims of the decision</b> <ul style="list-style-type: none"> <li>• <i>Objectives</i></li> <li>• <i>Intended outcomes</i></li> <li>• <i>Key actions</i></li> <li>• <i>Who and how many will be affected</i></li> </ul>	<p><b><u>Tenancy Strategy</u></b></p> <p>Local housing authorities are required under the Localism Act 2011 to publish a Tenancy Strategy. The Strategy should provide high level strategic guidance to social landlords operating in their area on how to manage their housing stock, and who are expected to give due regard to the Strategy when developing their own tenancy policies. The Strategy should provide guidance to social landlords regarding:</p> <ul style="list-style-type: none"> <li>• The kinds of tenancies they grant</li> <li>• The circumstances in which they will grant a tenancy of a particular kind</li> </ul>
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- Where they grant fixed term tenancies, the length of tenancies, the review and expected process for ending them
- The circumstances in which they will grant a further tenancy when a fixed term tenancy comes to an end.

The Strategy also provides guidance in respect of other key social housing reforms provided for in the legislation:

- The new affordable rent model
- The ability for Council's to discharge their homelessness duty to households by securing appropriate accommodation in the private sector.

The draft strategy sets out how the Council aims to achieve these priorities and monitor progress.

The strategy aims to have a positive effect on social housing tenants by helping to provide clarity on tenancies, their rights and responsibilities, and security.

It should be noted that the Strategy only provides guidance to Private Registered Providers (PRP) that they are only required to give due regard to, it does not seek to influence the basis on which social housing is allocated, but rather the type and length of tenancy that successful applicants for social housing should be offered.

### **Tenancy Policy**

The Tenancy Policy has been written in accordance with the requirements of the Localism Act 2011, and the consumer standards as outlined by the Tenancy Standard. The document pays regards to the aims and objectives of the Tenancy Strategy and provides guidance to existing and new Council tenants on the types of tenancies and circumstances they are granted, their rights and responsibilities, mutual exchanges, successions, changes to tenancies and tenancy management.

### **General**

The main groups and individuals who would be affected by the draft Tenancy Strategy and Policy are those in need of social or affordable housing. We will therefore seek the views of this group during the consultation process, and we believe their views will largely support the guidance given in both documents.

Both documents are intended to benefit households who need access to affordable housing, but the Tenancy Strategy is aimed primarily at social landlords who provide social housing in the district and who will be developing new affordable housing in the future.

	<p>The Strategy and Policy are intended to help deliver an approved Housing Strategy objective relating to making best use of the available social housing stock, while encouraging stable and cohesive communities and environments.</p>
<p><b>Information and Research</b></p> <ul style="list-style-type: none"> <li>• <i>Summary of research and information</i></li> <li>• <i>What data was used to research the proposals</i></li> <li>• <i>List anything that may affect people with protect characteristics</i></li> </ul>	<p>The previous Tenancy Strategy was reviewed as part of the process of drafting this strategy to highlight areas of change, improvement and recission.</p> <p>To help inform this strategy:</p> <ul style="list-style-type: none"> <li>• We carried out a preliminary consultation with Private Registered Providers to establish: <ul style="list-style-type: none"> <li>○ How much rented stock they have in the DD area</li> <li>○ Whether they were using flexible tenancies, and explanations/rationale for or not using them</li> <li>○ What length of term they were giving if they used flexible tenancies</li> <li>○ How much of their stock is at affordable rents; and</li> <li>○ What they were charging at affordable rent for different tenancy types</li> </ul> </li> </ul> <p>This information was collated into a report and outlines the findings. This report helped to inform the draft Strategy and subsequent Policy.</p> <ul style="list-style-type: none"> <li>• We collected data and evidence from our own records about the housing demand, types of tenancies offered, demographics and types of tenure preferred</li> <li>• Reviewed existing DDC housing policies</li> <li>• Reviewed the Corporate Plan and Local Plan</li> </ul> <p>Data sources used in the research included the below:</p> <ul style="list-style-type: none"> <li>• KCC <a href="https://www.kent.gov.uk/strategic-commissioning-statistical-bulletin/housing-rents">Strategic Commissioning Statistical Bulletin (kent.gov.uk) (Housing Rents)</a></li> <li>• KCC <a href="https://www.kent.gov.uk/strategic-commissioning-statistical-bulletin/property-sales">Strategic Commissioning Statistical Bulletin (kent.gov.uk) (Property Sales)</a></li> <li>• KCC <a href="https://www.kent.gov.uk/strategic-commissioning-statistical-bulletin/population-estimates">Strategic Commissioning Statistical Bulletin (kent.gov.uk) (Population Estimates)</a></li> <li>• ONS - <a href="https://www.ons.gov.uk/unemployment">Unemployment - Office for National Statistics (ons.gov.uk)</a></li> <li>• ONS - <a href="https://www.ons.gov.uk/house-price-to-residence-based-earnings-ratio">House price to residence-based earnings ratio - Office for National Statistics (ons.gov.uk)</a></li> <li>• DDC State of the District 2019-2020</li> <li>• KCC <a href="https://www.kent.gov.uk/area-profiles">Area profiles - Kent County Council</a></li> </ul>

	<ul style="list-style-type: none"> <li>• HoC Library <a href="https://www.parliament.uk/library/research-and-briefing/papers/2019/2019-05-21-social-housing-flexible-and-fixed-term-tenancies-england">Social housing: flexible and fixed-term tenancies (England) - House of Commons Library (parliament.uk)</a></li> </ul> <p>The information gathered and reviewed did not identify any negative impact or difference for people with the legal defined protected characteristics.</p>
<p><b>Consultation</b></p> <ul style="list-style-type: none"> <li>• <i>Has there been any specific consultation?</i></li> <li>• <i>What were the consultation results?</i></li> <li>• <i>Did the consultation analysis show any difference for people with protect characteristics?</i></li> <li>• <i>What conclusions did you draw from the consultation?</i></li> </ul>	<p>Please see above.</p> <p>A preliminary consultation was carried out in March-April 2021 with Private Registered Providers (PRP) in the district to gather data on fixed term tenancies, whether they were being used or abolished, and to find out on a local level what was happening. Data was also gathered around Affordable Rent tenures, the percentage of properties under that rent scheme and amounts charged per tenure.</p> <p>The results from the preliminary consultation have been provided in the Cabinet report. This information was used to inform and support the drafting of the Tenancy Strategy in guiding PRPs on the Council’s expectation when using certain types tenancies, and what was expected when PRPs decided to end tenancies. The results and feedback from preliminary consultation also informed the proposed recission of Flexible Tenancies in the Council’s own Tenancy Policy, and the reversion to granting Secure Tenancies to existing and new council tenants.</p> <p>The report for Cabinet is for agreement to go out to formal consultation with PRP, existing council tenants, applicants, new council tenants, other Local Authorities (within East Kent) and external agencies such as CAB, on both the Tenancy Strategy and Policy.</p> <p>Once agreed, there will be a 28-day consultation period with the above consultees. A consultation plan has been drafted and attached to this report which sets out how the Council will consult with consultees and how the results and feedbacks will be documented.</p> <p>Preliminary consultation did not show any differential impact for people with protected characteristics, however this draft EIA will be reviewed and amended as necessary following the consultation period.</p>

Assessing if the decision is likely to be relevant to the three aims of the Equality Duty		
Aim	Yes	No
Eliminate discrimination, harassment, victimization	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have decided that this decision is relevant to the three aims of the Equality Duty, use the section below to show how it is relevant and what the impact will be.			
Protected Characteristic	Relevance Low/Medium/High	Impact of the decision Positive/Neutral/Negative	Mitigation
Age	Low	<p>Neutral</p> <p>No differential impact anticipated.</p> <p>Older tenants moving into specialist supported housing (e.g. sheltered housing) will continue to be granted 'lifetime' tenancies which is a positive impact for this group.</p> <p>This group will receive the same level of service regardless of their age.</p>	None needed
Disability	Low	<p>Neutral</p> <p>The Strategy recommends that prospective tenants with a long-term enduring health problem or disability should continue to be given Lifetime Tenancies.</p>	The Strategy seeks to mitigate the potential impact of affordable rents to disabled households by recommending that such rents do not exceed Local Housing Allowance rates.

		<p>Disabled households often have lower incomes and the introduction of affordable rents may have detrimental impact with regards to accessible housing options for this group.</p> <p>This group will receive the same level of service regardless of their disability.</p>	
Gender reassignment	Low	<p>Neutral</p> <p>No differential impact anticipated. The Strategy does not discriminate or disadvantage anyone having had gender reassignment, they will receive the same level of service regardless of their Gender reassignment.</p>	None needed
Gender	Low	<p>Neutral</p> <p>No Differential impact anticipated. The Strategy does not discriminate or disadvantage anyone due to their gender, a household/person will receive the same level of service regardless of their gender.</p>	None needed
Marriage and Civil Partnership	Low	<p>Neutral</p> <p>No differential impact anticipated. The strategy and Policy do not discriminate or disadvantage anyone due to their relationship/marital status. They will receive the same level of service regardless of whether they are married, in a civil partnership or not.</p>	None needed
Pregnancy and Maternity	Low	<p>Neutral</p> <p>No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage if someone is pregnant or has a child or children. They will receive the same level of service regardless.</p>	None needed

Race	Low	Neutral No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage on the grounds of race, a household/person will receive the same level of service regardless of their race.	None needed
Religion, belief of lack of belief	Low	Neutral No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage anyone due to their religion, belief or lack of belief, they will receive the same level of service.	None needed
Sexual Orientation	Low	Neutral No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage anyone due to their sexual orientation, they will receive the same level of service.	None needed