

Equality Impact Assessment – Appendix E

Details of the assessment	
Name of Function/Policy/ Service being assessed:	Housing Allocations Scheme – Review of the existing policy
Is the activity...?	<p>New <input type="checkbox"/> (please go to step 1) Existing; Yes <input checked="" type="checkbox"/> (please go to step 2)</p> <p>There is a policy already in place, which is being worked to and this activity is to review this to ensure it is current and fit for purpose and that it contains legislative changes since the last review in 2016.</p>
Date of assessment	<p>Commenced:</p> <p>Completed:</p> <p>Approved by:</p>
Directorate & Service	Planning, Housing and Environmental Health
Policy Owner	Eleanor Hoyle
Lead Officer	Eleanor Hoyle

Step 1	Initial Screening for:	
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	
2	Who in the main will benefit?	
3	Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?	Yes <input type="checkbox"/> Please explain:
		No <input type="checkbox"/> Please explain:
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.
4	Does the activity make a positive contribution to equalities?	Yes <input type="checkbox"/> Please explain:
		No <input type="checkbox"/> Please explain: No – see step 2
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.

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	Key Questions	Answers/Notes
Step 2	Scoping the assessment	
1.	What is the overall aim, or purpose of the function/ policy/service?	<p>Tonbridge and Malling Borough Council, like all other authorities are required to have a mechanism to assess housing need, advertise available social housing and allocate properties to households in need. This is done via our Housing Allocations Scheme. This is a legislative requirement under Part VI of the Housing Act 1996, specifically s167, but Part VI also clearly sets out how we should do this and to whom we are required to give reasonable preference.</p> <p>The Authority has an existing scheme, however this was last reviewed in 2016, and since then there has been several legislative changes. The purpose of the review is to ensure that the Council has in place a policy that sets out how it will prioritise households and the procedures it will follow when allocating social housing, and to update the scheme to reflect the changes in legislation and deliver a scheme that is fit for purpose.</p>
2.	What outcomes do you want to achieve with this function/ policy/service and for whom?	The desired outcome of the policy is to ensure that social housing is offered to those households who have a local connection to the district and a qualifying housing need. It also ensures that this is done in an open and transparent way that accords with our statutory and regulatory duties and makes best use of the housing stock in the district.
3.	Who is intended to benefit from the function/service/ policy?	Those households in the district who live here and who have a qualifying housing need to join the register – also provision for those who may not have a local connection to Tonbridge and Malling, but also do not have a local connection anywhere, such as Gypsies and Travellers or Rough Sleepers or for those who are fleeing domestic abuse. Others that may benefit are local registered providers, County Council and other agencies with an interest in social housing.
4.	Who defines or defined the function/service/policy?	The Policy is a legislative requirement. Part VI of the Housing Act 1996 sets out that local authorities must have a mechanism for the allocation of social housing within its district. It also sets out that there are certain groups who must be given preference under any scheme.
5.	Who implements the function/service/policy?	The Housing Solutions Service

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	Key Questions	Answers/Notes														
6.	How do the outcomes of the function/service/policy meet or conflict other policies, values or objectives of the public authority (if applicable)?	<p>Please indicate which of the Council's Key Priorities these outcomes relate to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 90%;">Achieving efficiency</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Embracing effective partnership working and funding</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Valuing our environment and encouraging sustainable growth</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Innovation</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td> </td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td> </td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td> </td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p>Any other comments:</p>	Achieving efficiency	<input type="checkbox"/>	Embracing effective partnership working and funding	<input type="checkbox"/>	Valuing our environment and encouraging sustainable growth	<input type="checkbox"/>	Innovation	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
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7.	Are there any factors that could contribute or detract from the outcomes identified earlier?															
Step 3 Consideration of data and information																
8.	What do you already know about who uses this function/service/ policy?	<p>Most of the housing stock in the district is owner occupied, with the private rented sector being the smallest tenure type. However, 17.6% of the Housing Stock in Tonbridge and Malling Borough council is social or affordable rented, which equates to 9573 homes.</p> <p>There are currently around 1500 households who are live on the housing register (as of August 2022) with an average of around 200 social or affordable homes becoming available for let each year.</p> <p>This means that many of those on the housing register are unlikely to ever be housed, and the Council is maintaining a list of applicants, many of whom have limited prospect of being rehoused in social housing.</p> <p>Therefore, this growing demand on a decreasing resource, along with legislative changes, has led to the review of the Allocations Scheme. This section of the EqIA looks at what we know about those who may apply for social housing and assist in</p>														

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	Key Questions	Answers/Notes
		<p>analysing the policy to ensure that our policy and practice does not discriminate or disadvantage people. There are also instances where this policy may improve or promote equality.</p> <p>Populate with data from the HN Survey in relation to the current position in Tonbridge and Malling, and then refine with consultation feedback and amend as appropriate.</p>
9.	Has any consultation with service users already taken place on the function/service/ policy and if so what were the key findings?	On commencement of project some initial soft consultation was undertaken which included an event put on at Tonbridge Castle for service users to come and discuss the existing policy with us – however this was in December 2021 and the number of covid infections was on the increase, and despite inviting a large sample from the register, we had no attendees.
10.	What, if any, additional information is needed to assess the impact of the function/service/policy?	Data that may not be available in the Housing Needs Assessment
11.	How do you propose to gather the additional information?	From other sources, such as data held in the current system we have
Step 4	Assessing the Impact	
12.	Based on what information you already know, in relation to each of the following groups consider whether a) there is anything in the function/service/policy that could discriminate or put anyone at a disadvantage b) for an existing function/service/policy, how it is actually working in practice for each group	

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	Key Questions		Answers/Notes
a.	Equality groups	Age	<p>There is a significant number of homes for older people in the district, and in practice, we often get come through hard to let schemes via choice-based lettings, which are homes for over 55s that have been advertised and had no bids.</p> <p>However, the Housing Needs Survey and what we know tells us that the population is ageing with an increase expected in those requiring this type of home. There is also suggestion that new homes are developed to meet these requirements.</p> <p>We are making no proposals to alter the priority for downsizing, which means those who are in a larger home, who are under occupying will still be supported to apply to join the housing register to move to a smaller home to allow the freeing up of larger homes for families on the housing register, thus making the best use of the existing stock.</p> <p>16- and 17-year-olds are not legally allowed to hold a tenancy, and whilst they are able to join the housing register, they will need support or a guardian to hold a tenancy for them if they were to be offered a home. We work proactively with Social Services to ensure that suitable accommodation is provided to this age group, such as supported so that when they are ready for move on, they have had some experience of managing a home and have the necessary skills</p> <p>We will continue to allow those who need to move into the district to give or receive care onto the register, there will be no change to this.</p> <p>Therefore the policy is inclusive for all eligible persons and does not discriminate on the basis of age, with the exception of those under 18, where we would seek alternative solutions for this group until such time as they are able to hold a tenancy.</p>

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	Key Questions	Answers/Notes
b.	Disability	<p>Any household with a person who is disabled will still be awarded priority based on the evidence and need and will be rehoused if their home is not able to meet their needs or be adapted to do so, there are no proposed changes within the scheme that will alter this.</p> <p>We will continue to support individuals with a housing need in relation to significant mobility issues, mental health issues that is affected by their current home and a move would alleviate this or the applicant has other medical needs, such as the requirement for an extra bedroom for overnight carers.</p> <p>Therefore, the policy gives due consideration of the disability and/or severe health issues of an applicant and provides a bespoke service to consider an individual's health circumstances in deciding their Housing Register application. This should improve the outcomes for disabled applicants.</p>
c.	Gender	<p>The increase in priority for households suffering domestic abuse will also have a positive impact on women, who are more likely than men to be the victims of abuse.</p>
d.	Race	<p>This policy offers an ethnicity neutral approach to making decision on the allocation of housing.</p> <p>There are proposed changes to the residency criteria which may impact in terms of this protected characteristic.</p> <p>From case law there are cases that refugees and travellers fall within this protected characteristic group and that residency requirements can indirectly discriminate against these groups, as by virtue of their circumstances they are less likely to be able to satisfy a residency requirement. For an effective mitigation to be in place we need to show that the mitigations will eliminate or significantly reduce the discrimination. We have therefore introduced mitigations for travellers and refugees. Therefore, the residency criteria can be waived if there is an application from someone who may not by virtue of their situation have a local connection criterion anywhere, and to anyone who we might owe a reasonable preference to under legislation</p>

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	Key Questions		Answers/Notes
e.		Religion/Belief	The disclosure of a person’s religion is optional when applying to join the housing register, and so the policy must offer a religion/faith neutral approach to making decision on the allocation of housing as this may not be known. The Policy will be carried out with an emphasis on equality of treatment.
f.		Sexual Orientation	The disclosure of sexual orientation when applying for housing is optional and therefore as above the scheme should be neutral when making decisions on eligibility to join the housing register and there will be an emphasis on the equality of treatment
g.		Marital or Civil Partnership Status	This policy offers a marriage/civil partnership neutral approach to making decision on the allocation of housing. The Policy will be carried out with an emphasis on equality of treatment. The policy will support households regardless of their marital status
h.		Pregnancy & Maternity	This policy offers a pregnancy, maternity, and paternity neutral approach to making decision on the allocation of housing. The Policy will be carried out with an emphasis on equality of treatment.
i.		Gender reassignment	This policy offers a gender reassignment neutral approach to making decision on the allocation of housing. The Policy will be carried out with an emphasis on equality of treatment.
j.		General/other	Whilst not a protected characteristic, one of the biggest changes proposed is linked to overcrowding and this impacts on the health and wellbeing of a household. The process of reviewing this policy will assist the Council in ensuring that accommodation occupied by the tenants meets their housing needs. Overcrowding of accommodation can lead to health issues and family disputes. Evidence demonstrates that this is a real problem in Tonbridge and Malling with this being the main reason for applying to join the housing register (around 33% of applicants on the register are on there for being overcrowded) The review process and the changes proposed to this group, which will include potentially households with disabilities etc) will identify and enable the Council to allocate social housing to those in the greatest need. However if households adversely impacted by this proposed change would have a higher need, then this will be the priority they were given, households will always be given the highest priority they attract.
Step 5	Reviewing and Scrutinising the Impact		

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	Key Questions	Answers/Notes
13.	What conclusions can you draw about any differential impact and how people are adversely or positively affected?	Ensure 16/17-year-olds have access to alternative housing, via Social Services and other options to provide the support required so that when they are able to join the register they are tenancy ready
14.	What actions can you take to address any impacts identified?	We have included the opportunity for applicants to be given exceptional circumstances
15.	If no changes can be made, what reasons are there to justify this?	
16.	How might any of the changes, in relation to the adverse impact, have a further adverse affect on any other group?	
Step 6	Decision making and future monitoring	
17.	Which decision making process do these changes need to go through i.e. do they need to be approved by a committee/Council?	Yes, once the policy has been consulted on then it will be finalised with any necessary changes and this EqIA will also be finalised

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