

LONDON BOROUGH OF HAVERING EQUALITY ANALYSIS

Cabinet 26th September 2012 – Draft Tenancy Strategy

SCOPE OF PROPOSAL

1. What is the scope and intended outcomes of the activity being assessed; in terms of both the Council's organisation and staffing, and services to the community?

Background and scope of the Tenancy Strategy

The Localism Act 2011 introduced a number of housing reforms. These changes include giving local authorities and Registered Providers (RPs) the freedom to introduce flexible fixed-term tenancies from April which have a limited security of tenure. Under the Act, the Council has a duty to adopt and publish a Tenancy Strategy that sets our guidance that registered providers of social housing must have regard to in formulating policies relating to—

- (a) the kinds of tenancies they grant,
- (b) the circumstances in which they will grant a tenancy of a particular kind,
- (c) where they grant tenancies for a term certain, the lengths of the terms, and
- (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

These specific matters are set out in Chapter 7 of the Strategy.

In addition, registered providers operating in the borough must take account of other aspects of housing and welfare policy in setting Affordable Rents (which have been worked up alongside the Localism Act) and the Tenancy Strategy includes details on the Council's approach to affordable rents in the borough and sets out guidance for those providers with housing stock in the borough.

Aims of the Strategy:

- to make best use of housing stock in the borough
- to increase housing mobility
- to meet the needs of those in priority need at a time in their lives when they need social housing

The Council's Fixed-term tenancy proposals are set out in Chapter 7 of the Draft Tenancy Strategy. We propose to introduce flexible fixed-term tenancies as there are significant number of under-occupiers in our stock and similarly, large number of overcrowded households on the Housing Register. In addition, adapted properties for disabled people are in short supply. The Council's housing management service will deliver the new regime and Registered Providers must have regard to our proposals when developing their own tenancy policies.

How are these aims going to be achieved?

In developing the proposals, we have consulted and taken account of the views of applicants on the Council's Housing Register, residents and local housing steering groups.

The Council has established working partnerships with Registered Providers and held consultation events in order to fully inform development of the strategy proposals and will use these partnerships to communicate the proposals if the draft tenancy strategy is adopted.

1 (a) Organisation and Staffing

The Council's fixed-term tenancies policy proposals affect existing staff in the Council's Housing Services, other internal services such as Adult Social Care, and Homes in Havering's Housing Management Service which is being transferred to the Council.

1 (b) Services to the Community

The guidance and proposals in the Council's Tenancy Strategy will inform Registered Providers' own tenancy policies and ensure that from 1 April 2013 new tenants are provided with at least the minimum tenancy term and that the proportion of properties let by Register Providers at an Affordable Rent are in line the Council's expectations.

PEOPLE AFFECTED

2. Which individuals and groups are likely to be affected by the activity?

2 (a) Staff Individuals and Groups

Staff

London Borough of Havering

- Havering Council's Housing Needs and Strategy service
- Homes in Havering's Housing Management Services (tenancy management, rent management, ASB teams) following service transfer to the Council
- Other internal partner such as Havering Council's Adult Social Care Service

External organisations (in partnership)

- Registered providers will have due regard to the Council's Tenancy Strategy when developing their own tenancy and lettings policies
- East London Lettings Company (ELLC) which operates Havering Council's choice based lettings scheme
- Community organisations including Age Concern

2 (b) Community Individuals and Groups (including voluntary organisations)

Fixed-term tenancies

Existing Havering Council tenants

Existing Havering Council tenants with secure lifetime tenancies will not be affected by the proposals, even if they transfer within the Council's housing stock. In cases where a secure lifetime tenant wants to enter into a mutual exchange with a fixed-term tenant, they will need to make a request of the landlord to agree to surrender and sign a new tenancy in order to retain a lifetime tenancy. We will work with Registered Providers to honour existing tenants' tenancies. For example, should the Council undertake a small or large scale voluntary transfer to a RP in the future, it will ensure existing tenants with secure lifetime tenancies are provided with assured tenancies.

New Council tenants

The policy will affect new Council tenants from 1 April 2013, with the exception of people who move to properties designated for tenants aged 60 years and above. These are sheltered and extra-care schemes and flats in general needs schemes designated for 60+ (or 55 years+ with a support need).

New tenants of Registered Providers

These tenants will be affected because some RPs have entered into agreement with the Homes and Communities Agency to new build new properties let at an Affordable Rent (up to 80% of market rents) and to convert a proportion of other homes to an Affordable Rent when they are re-let. Havering Council currently plans to continue to let its properties at a social rent.

Applicants on the Housing Register have access to details of properties let at a social or affordable rent and therefore need to decide whether they can afford to pay the higher Affordable Rent for a property. To help them make this decision, an Affordable Rent calculator is available on the council's choice based lettings website. In addition, some RPs may carry out a follow up financial assessment for tenants.

Focus on specific groups

The new fixed-term tenancy proposals will affect most new tenants; however there are particular groups that fixed-term tenancies will impact on to a greater extent. These include those with a protected characteristic, particularly older people, young families, employed people, low income families and households that contain someone with a disability.

DATA AND INFORMATION

3. What data/information do you have about the people with 'protected characteristics'

3 (a) Staff

Havering Council staff

It is expected that the preparation phase (between formal adoption of the policy and the effective date 1 April 2013) that includes training, procedure development, administration and publicity will require a full complement of staff in both Housing & Public Protection and Housing Management Services. The implementation of fixed-term tenancies from April 2013 will require an increase in staff training and more regular review visits or meetings with tenants in the borough.

It is expected that the Council's fixed-term tenancies policy will impact on staff resources when initial reviews of 3-year fixed term tenancies commence (9 months before the initial tenancies come to an end) in July 2016.

3 (b) Community

If the Tenancy Strategy proposals are approved, the Council's fixed-term tenancies policy will affect all new council housing tenants from 1 April 2013 with the exception of tenants that move into housing designated for people aged 60+ years. This will include people aged 55+ years if they have a support need). The Council also expects Registered Providers to continue to provide lifetime tenancies to people with severe disabilities or learning disabilities with support needs living in specialist supported housing or living in general needs housing who received long-term care and/or support services. However, we recognise that in some circumstances, offering a lifetime secure tenancy would not be appropriate for example for tenant(s) living in move on accommodation with floating support.

Age

Older people

People aged 65 to 85 years

Havering has the highest proportion of older people of any London Borough.

The Council's fixed-term tenancy policy will not impact on older people who move into housing designated for people aged 60 years+ (or 55+ with a support need) as they will be provided with a secure lifetime tenancy.

However, the proposals will impact on other older households in the following ways:

Older people who move into general needs housing

Under the proposals, these households will be given a 5-year fixed-term tenancy that will normally be renewed on a 5-year basis, unless there has been a change in circumstances.

Older people who are under-occupying their home

This includes cases where adult children have moved out and parents are now under-occupying their property. When the fixed-term tenancy is reviewed, the Council may decide to provide a fixed-term tenancy for another property so that the large family size home can be freed up for families on the Housing Register (also known as housing waiting list).

People aged 85 years+

The Tenancy Strategy highlights that while the older population age group 65+ years is expected to decrease between 2011-12, we can expect an increase (of 30% between 2001-11) in the elderly population aged 85+.

New elderly council tenants who move in to the Council's supported (also known as sheltered) or extra-care housing will be positively affected as the Council proposes to continue to provide these tenants with secure lifetime tenancies.

Young families

There are currently a large number of families with a housing need on the Housing Register. Research¹ indicates that the number of newly forming family households is likely to continue to grow, increasing the pressure on the supply of existing family-size housing in the borough.

The Council's fixed-term tenancy proposals will positively impact and better support these families in to family homes.

Disability

Disabled households on the Housing Register who need an adapted home

A recent study (July 2012) to determine the number of people with disabilities who require housing has indicated that:

- there are 578 people with disabilities who require housing, of which 48 are clients of Children and Young People and 530 are clients of Adult Social Care
- 490 of these have a Learning Disabilities (LD) (85%); 56 have Physical disabilities

¹ Strategic Housing Market Assessment 2010

(PD) (10%); and 32 have both Learning and Physical disabilities (LD and PD) (5%)

- 60% are male and 40% are female
- approximately two thirds of clients are 30 years old or younger
- 243 are known to have full time or occasional wheelchair use (42%) and a further 10 people have other mobility issues
- of the 241 clients that we know the costs of their day care and home care package, costs go up to £242,474 per annum but the average cost is £22,897 per annum.

The Council's fixed-term tenancy proposals will positively affect disabled people on the Housing Register by making more adapted homes available to meet those in greatest need.

Existing tenants with a disability

The Council's adaptations data indicates that 2011/12 and 2010/11 the Council completed major adaptations² in 89 and 95 in council homes respectively. Given this current rate of adaptations and lack of suitable ground floor flats and houses, we can see from the Housing Register data above that demand far outstrips the supply of adapted properties. Under our current tenancy policy, existing households that contain a disabled person have secure lifetime tenancies and continue to live in the property even if the adaptations are no longer needed by the household. This restricts the number of adapted properties that become available to let to families that contain a disabled person.

Existing disabled tenants with a secure lifetime tenancy will not be affected by the Council's fixed-term tenancy proposals. However, new disabled tenants *will* be affected by the proposals. The Council's fixed-term tenancy proposals set out when it will not be appropriate to renew a fixed-term tenancy. This includes when a property has been adapted to meet a disabled person's needs and they no longer require it. In these cases the Council would not renew the tenancy for the same property when it comes to an end. The household will normally be supported to move through an assisted offer and a tenancy provided for another property, unless there has been a change in circumstances or exceptional circumstances that we need to take into account. This approach will free up an adapted property that is no longer required by a household and it can be used to meet the housing needs of a disabled person(s) on the Housing Register.

Gender

Of the 236,100 borough population, 52% are female and 48% are male³. This may in part be due to women's longer life expectancy.

Housing Register data

In the last financial year (2011-12), women made up over 70% of tenants taking up an offer of accommodation from the Housing Register. The reason for this may be that women's circumstances are more likely than men's to come under a reasonable preference category, particularly given the pattern of child care. It is predicted that this

² For the purposes of the desktop study, major adaptations includes works that materially affect the property structure and comprise level access showers, extensions, door widening, bathroom/kitchen works and ramps.

³ Office of National Statistics 2010 mid-year population estimates, Office of National Statistics, 2011

preference to women will continue as the Reasonable Preference categories will remain in place.

Socio-economic groups

Households whose circumstances have improved financially

Nine months before a fixed-term tenancy comes to an end, we will review a household's income and savings to see whether the tenant(s) has a high enough income to afford different housing options or whether the affordable home could be better used by someone in greater need. In these circumstances, the Council would not renew a fixed-term tenancy and the tenant(s) would be given advice and support to find alternative housing. For these reasons, a household whose income has increased may perceive themselves as adversely affected.

CONSULTATION

4. If no data and information is available about the groups likely to be affected by the activity, how would you inform your EA? Will you be considering carrying out some consultation to inform your EA?

4 (a) Staff

Staff who will be responsible for managing delivery of the Tenancy Strategy and fixed-term tenancies, namely officers in the Housing Needs & Service Development Team, Housing Strategy and Housing Management Service, have been members of the Tenancy Strategy Project Team.

Internal partners including Adult Social Services have been key stakeholders and engaged through consultation events, and the needs of their customers have been incorporated in to the Tenancy Strategy proposals. Consultation with other services includes Corporate Management Team briefing on 21 March, a cross organisation partnership event on 30 April and follow up event on 14 May 2012.

4 (b) Community

The Council has consulted with wide ranging stakeholders, including Housing Register applicants and local communities on the Tenancy Strategy and fixed-term tenancy proposals.

The initial consultation was undertaken with residents, Registered Providers and stakeholder groups in April-May 2012. Consultation included the following:

21 April – 20 May - Online and paper survey questionnaire

30 April – consultation event for Registered Providers and stakeholder groups

3 May – two consultation sessions at Hornchurch Library

5 May – questions and answers drop-in session at Briar Road Information Shop, Harold Hill

June - July – letters were sent to applicants on the Housing Register, setting out the key proposals and inviting them to complete a paper or online survey questionnaire

July-August – Consultation with Mayor of London and local solicitors

The results of these consultations and the Council's response are appendices to the Cabinet report.

Section 5. The impact of the proposed Housing Allocations Scheme on staff and communities has been considered, and the impact on each group is detailed in the table below.

a. Staff	Positive impact	Negative impact	Neutral	
			✓	<p>The impact of the proposed Housing Allocations Scheme on staff has been considered. The transition phase (between Council adoption and effective date) will require a full complement of staff in the Housing Strategy Team and Housing Management Service in order to produce procedures and manage communications.</p> <p>Housing Management officers' sign-up responsibilities are not expected to change in relation to providing an Introductory Tenancy and initial fixed-term tenancy. The main impact of the proposed policy will be additional staff time spent reviewing and renewing fixed-term tenancies, and possible orders cases. Staff from the housing management service have been part of the Project Team and fully input into the development of the Council's Tenancy Policy.</p> <p>In order to manage the future impact on the housing management service, the earliest review start has been considered in the example below:</p> <p>April 2013 – Commence 12-months Introductory Tenancy April 2014 – Commence a 3-year fixed-term tenancy July 2016 – commence review (9 months before the tenancy comes to an end)</p> <p>At this stage, it is difficult to determine the number of tenancies that will need to be reviewed from 2016 onwards because data cannot be modelled on the expected number of households requiring a 12-month or 3-year tenancy (i.e. have a breach in tenancy, households that contain children over 15 years of age, or a high number of people with limited leave to remain in the country).</p> <p>Modelling analyses will be undertaken as part of the initial review in April 2014 and these will inform the Council's housing management service staff strategy.</p>

b. Communities				
Protected category	Positive Impact	Negative Impact	Neutral	Impact on protected characteristic group, mitigating measures and reasons
Existing Council tenants			<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ 	<p>There will no change to existing Havering Council tenants. They will keep their secure lifetime tenancy when the proposals are introduced.</p> <p><i>Tenant transfer to another Havering Council property</i> If an existing Havering Council tenant transfers to another Havering Council property, they will be given another lifetime tenancy for their new home.</p> <p><i>Other people in the household who move in to a Havering Council property</i> However, if people other than the tenant(s) lives in the property, such as a son and/or daughter and they move in to their own council property, they would be given a fixed term tenancy.</p> <p><i>Mutual exchange with a fixed-term tenant</i> If an existing Havering Council tenant whose secure lifetime tenancy started before 1 April 2012 wants to enter a mutual exchange with a fixed-term tenant, both parties need to make a request to the landlord for the tenancies to be surrendered and new tenancies provided. By doing so, a secure lifetime tenant can protect their existing rights. This will not have an adverse impact on their tenancy rights, if they exchange with a property let at an Affordable Rent they will need to pay the increased level of rent.</p>

Age	✓		✓	<p><i>People aged 60+ years (or 55+ years with a support need)</i> These people will be positively affected under the proposals as the Council will continue to provide secure lifetime tenancies for older people who move into Council housing designated for over 60+ years.</p> <p>✓ <i>Supported (sheltered housing) tenants – a couple with different ages</i> Under the Localism Act 2011 there is one succession right to the remaining spouse of civil partner on the death of the tenant. In cases where a much younger partner, for example a 45 year old succeeds a tenancy in supported (sheltered) housing, an adjustment period of 6 months will be provided before a fixed-term tenancy will be provided for another property in general needs housing. We will take account of the welfare needs of this partner when making an assisted offer to ensure the property meets their needs.</p> <p>✓ <i>Older people – whose children have moved out of the family home</i> Under the proposals under-occupiers will be given a new tenancy for another property (unless there are exceptional circumstances) through an assisted offer. The Council will take account of the downsizer’s circumstances and any exceptional circumstances, for example welfare and social needs of a vulnerable client and terminal illness when making a decision.</p> <p>✓ <i>Young families on the Housing Register</i> Under the proposals the Council will provide under-occupiers with a tenancy for a smaller property and this will free up family size homes for young families.</p> <p><i>Care leavers</i> The Council provides services to care leavers to support them through the transition to fixed-term tenancies, in partnership with a RP operating in the Borough. This is a separate project.</p>
Disability	✓			<p><i>Disabled people on the Housing Register</i> The Strategy aims to make the best use of housing stock, including adapted housing in the</p>

	✓		✓	<p>borough for those in priority need.</p> <p><i>Disabled people with severe disabilities and learning disabilities on the Housing Register</i> The Council expects Registered Providers to continue to provide lifetime tenancies for people with severe disabilities who have a long-term care and/or support plan in place. Exceptions to this proposal include move on accommodation where floating support is provided.</p> <p><i>Existing disabled tenants – Affordable and social rents</i> It is recognised that some people with disabilities may be negatively affected by the introduction of welfare reform, that is their benefit and/or income may reduce, and this may affect their ability to afford a property at an Affordable Rent. While housing at a social rent will continue to be provided by the Council and RPs, the Council is working in partnership with Adult Social Services to develop support packages that can help people to maintain their tenancies or support them to transfer where necessary. In addition, the Council and Homes in Havering will work proactively with households to and raise awareness of Housing benefits discretionary payments when households are under-occupying a property. Registered Providers also provide financial advice and support to their tenants.</p>
Gender	✓		✓	<p><i>Older women</i></p> <p>In the last financial year (2011-12), women made up over 70% of tenants taking up an offer of accommodation from the Housing Register and this trend is expected to continue. Given the higher proportion of lettings to women and their longer life expectancy, a higher proportion of older women (compared to older men) are likely to be given lifetime tenancies in supported (sheltered) housing. Similarly, there are likely to be a higher number of women re likely to be affected by the introduction of fixed-term tenancies.</p>
Gender reassignment/identity			✓	<p>This group has been considered. It is expected that the proposed Tenancy Strategy will have no significant advantageous or detrimental impact on this group.</p>

Marriage, Civil Partnership and cohabiting couples	✓	✓	✓	<p><i>Spouse or partner of a disabled person who has moved in to <u>permanent</u> residential care or who has died</i></p> <p>If a property has been adapted to meet the needs of a disabled person who no longer lives there, the tenancy will not be renewed at that particular property under the proposals. In these situations, the Council will check whether any exceptional circumstances need to be taken in to account. It will also take account of the remaining partner's needs and support them through an assisted offer with a new tenancy for another property. Should the disabled partner move into permanent residential care at the end of the tenancy term, the remaining partner will be given a 6 months adjustment period before the Council provides a new tenancy for another property.</p> <p>Under the proposals, the Council will take account of the remaining household and any exceptional circumstances such as the impact of moving a child away from a school when the move would have a significant detrimental impact on their educational development, or local employment when a move to another part of the borough would have a significant impact on their employment.</p> <p>There may also scenarios when a succeeding partner is very frail or disabled and the adaptations at the property meet their needs and moving to another property will not meet their need. In these cases the tenancy will normally be renewed (unless there are other changes in their circumstances).</p>
Pregnancy & Maternity			✓	<p>This group has been considered. It is expected that the proposed Tenancy Strategy will have no significant advantageous or detrimental impact on this group.</p>
Race/ethnicity	✓			<p><i>Families with a BME heritage</i></p> <p>Under the proposals people who want to downsize, or who are under-occupying a property when the tenancy is renewed will normally be supported through assisted offers and new tenancy for a smaller property. This should free up large, family homes and should be an advantage for BME households who show a high rate of overcrowding.</p>

People with limited leave to remain in the country			✓	<p><i>People with limited leave to remain in the country</i> Under the proposals people with a limited leave to remain in the country will be given a 3 year tenancy after successfully completing an introductory tenancy. This is aligned to the five years limited leave to remain period after which they would not normally be eligible for council housing. This does not significantly advantage or negatively impact on this group.</p>
Religion or belief			✓	<p>This group has been considered. It is expected that the proposed Tenancy Strategy will have no significant advantageous or detrimental impact on this group.</p>
Sexual Orientation			✓	<p>This group has been considered. It is expected that the proposed Tenancy Strategy will have no significant advantageous or detrimental impact on this group as same sex couples are treated the same as heterosexual married, civil partners and co-habiting partners.</p>
Socio-economic Groups	✓			<p><i>People of working age with housing need and on a low income</i> The proposals will positively affect and meet the needs of those in priority need at a time in their lives when they need social or affordable housing the most.</p>
	✓	✓		<p><i>People of working age whose circumstances have changed – their income has increased between tenancies</i> Under the proposals, if a tenant(s) circumstances have changed when the tenancy is reviewed, they may be able to afford other housing options and in these circumstances the Council would not provide a further tenancy. As a result this group may perceive themselves to be disadvantaged. Although the Council would not renew the tenancy, the tenant(s) would still receive housing advice in order to seek other housing, for example a shared ownership or rented private property.</p>
			✓	<p>People on low incomes – having difficulty to pay social or affordable rents The Council's Housing Management Service provides debt counselling service to support people with financial difficulties. RPs or their partners also normally provide a similar service.</p>

6. What is the likely impact on arrangements for safeguarding children and/or safeguarding vulnerable adults?

6 (a) Vulnerable children

We have considered the impact of the Council's tenancy policy on safeguarding vulnerable children. For example, fixed-term tenancy reviews may assist in early identification of vulnerable children. We also recognise that having a stable family home improves children's educational achievement. For this reason, we will normally renew a fixed-term tenancy unless there has been a change in the household's circumstances. Furthermore, there are exceptional circumstances when children must be taken into account. For example:

- When a child in the household attends school and a move would have a significant detrimental impact on their educational development

6 (b) Vulnerable adults

We have considered the impact of the Council's fixed-term tenancy proposals on vulnerable adults. There are exceptional circumstances when the Council would renew a fixed-term tenancy, even when the household's circumstances have changed. These include:

- when the Council's Adult Social Care or other colleagues believe the tenant is a vulnerable adult
- The household contains someone with a disability, and moving to another property will not meet their current needs, or
- someone in the household is terminally ill
- when the tenant(s) is employed and a move would have a significant impact on their employment.

PREVENTING DISCRIMINATION

7. If any negative impact is identified, is there a way of eliminating or minimising it to reasonable level? If not, how can the negative impact be justified?

7 (a) Staff

The impact of proposals on staff have been considered, please refer to section 5 above.

7 (b) Community

The impact of the proposals has been considered and is detailed in section 5 above.

PROMOTING EQUALITY

8. How will the activity help the Council fulfil its legal duty to advance equality of opportunity in the way services are provided?

8 (a) Staff

The proposals will have no impact on the Council's current staff.

8 (b) Community

A Communications Strategy is being developed in order to explain the introduction of fixed-term tenancies across all groups in our local communities.

SPECIFIC NEEDS

9. What actions will you be taking in order to maximise positive impact and minimise negative impact from the activity?

9 (a) Staff

The specific needs of staff have been considered and are detailed in section 5.

9 (b) Community

Please refer to section 5 above.

MONITORING AND REVIEW

10. Once implemented, how often do you intend to monitor the actual impact of the activity?

10 (a) Staff

We will monitor the impact on the implementation of fixed-term tenancies through monthly team meetings and 121s and more formally through quarterly review meetings. A formal review will be undertaken in April 2014.

10 (b) Community

Affordable rent levels will be monitored through the nomination arrangements.

The impact of fixed-term tenancies on the community will be monitored and reviewed through monthly performance monitoring operated by the Council's housing management service.

SIGN OFF AND PUBLICATION

- 11. When completed, the Equality Analysis needs to be signed off by the Head of Service. Once signed off, it should be forwarded to the Directorate Equality Analysis Web administrator to publish it on the council's website.**

HEAD OF SERVICE

Name:

Date:

Signature: