

# Equality & Health Impact Assessment (EqHIA)

## Document control

<b>Title of activity:</b>	<i>Tenancy Policy</i>
<b>Lead officer:</b>	<i>Neehara Wijeyesekara, Tenancy Sustainment Manager,</i>
<b>Approved by:</b>	<i>Gerri Scott, Director of Housing (Interim),</i>
<b>Date completed:</b>	<i>September 2018</i>
<b>Scheduled date for review:</b>	<i>April 2022</i>

Please note that the Corporate Policy & Diversity and Public Health teams require at least **5 working days** to provide advice on EqHIAs.

Please note that EqHIAs are **public** documents and must be made available on the Council's [EqHIA webpage](#).

<b>Did you seek advice from the Corporate Policy &amp; Diversity team?</b>	Yes
<b>Did you seek advice from the Public Health team?</b>	No
<b>Does the EqHIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?</b>	No

**Please submit the completed form via e-mail to [EqHIA@havering.gov.uk](mailto:EqHIA@havering.gov.uk) thank you.**

# 1. Equality & Health Impact Assessment Checklist

## About your activity

1	Title of activity	<i>Tenancy Policy</i>		
2	Type of activity	<i>Policy</i>		
3	Scope of activity	<p><i>This EqHIA covers the Council's Tenancy Policy.</i></p> <p><i>The Tenancy policy has been revised to inform home seekers and council officers about the type of tenancies that will be on offer from the London Borough of Havering and sets out clearly the Councils' own position in terms of letting out its own properties.</i></p> <p><i>The length of tenancy and the type of tenancy which we issue to tenants is subject to statute with little scope for discretion for council officers to apply.</i></p> <p><i>This policy also sets out how the Council will monitor and review introductory and flexible tenancies. It also provides information on mutual exchanges.</i></p> <p><i>The policy also explains the legal assignment and succession rights afforded to Introductory and Secure tenants, and to provide guidance on the principles when officers consider applications to assign or succeed to introductory or secure tenancies.</i></p>		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.	If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	Yes		
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes		
5	If you answered YES:	<b>Please complete the EqHIA in Section 2 of this document.</b> Please see Appendix 1 for Guidance.		
6	If you answered NO:	N/A		

<b>Completed by:</b>	<i>Una Bedford, Housing Strategy &amp; Policy Officer, Housing Services, Neighbourhood Services</i>
<b>Date:</b>	<i>4<sup>th</sup> September 2018</i>

## 2. The EqHIA – How will the strategy, policy, plan, procedure and/or service impact on people?

### Background/context:

This EqHIA has been written to consider the Council's revised Tenancy Policy.

The Council's Tenancy Policy sets out the Council's position in terms of letting out its own properties. The intention is to provide a balance between ensuring stability for households who are in need, in particular, for vulnerable households, against flexibility in the way that the Council manages its housing stock. The Council's aim is to ensure that we make the best and most suitable use of the limited lettings which become available each year. This EqHIA does not cover how registered providers will use flexible fixed term tenancies, as this will be covered by their individual Tenancy Policies and accompanying EqHIA's.

The Localism Act (2011) gave Local Authorities the discretion to offer new tenants fixed term tenancies of no more than 5 years in duration. Havering has been granting flexible fixed term tenancies to all new tenants since April 2012, with the following exceptions:

- where a secure lifetime tenant transfers to another home within our housing stock to downsize because they are under-occupying their home, or
- where a tenant moves to a property designated for tenants aged 60 or over. These are sheltered and extra care schemes and flats in general needs schemes designated for people aged 60 or over. (or where the resident is 55 or over and requires a medium or high level of support due to frailty, ill-health or restricted mobility), or
- where existing secure tenants (or assured tenants of a housing association) whose tenancy began before 1st April 2012 have their tenancy terms and conditions preserved by law. Therefore, if they transfer to a different home in either Council or housing association stock, they will automatically be offered another secure or assured tenancy.

The recent Secure Tenancies (Victims of Domestic Abuse) Act (2018) provides protection for social housing tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence. The new Act contains measures to ensure that lifetime tenants of social homes who are victims of domestic abuse are granted a further lifetime tenancy where either:

- a) they need to leave or have left their home to escape domestic abuse and are being re-housed by a local authority, or
- b) where they are a joint tenant and wish to remain a tenant of their social home after the perpetrator has left or been removed and the local authority decides to grant them a further sole tenancy in their current home.

The new policy recognises this new legislative provision.

It also continues with the general rule that 5 year terms should be granted and the circumstances in which shorter or longer terms should be considered which expands on the previous tenancy policy.

Further guidance is provided on the monitoring and review of introductory tenancies and the circumstances in which the introductory trial period should be extended or the introductory tenancy terminated for breach of tenancy. Tenants will be required to wholly or substantially comply with all the tenancy terms during the introductory trial period.

The policy also introduces ongoing tenancy reviews with annual tenancy assessments carried out with tenants. This ensures transparency and sets clear expectations throughout the tenancy term. Guidance is clearly set out within the policy on the five clear criteria for the grant of a renewed tenancy.

The rules concerning mutual exchange applications are also consolidated within this policy.

This policy recognises the current legislative provision in place which Housing Services will apply to the Succession of Council Tenancies through the Localism Act 2011. The policy also, in advance of the commencement of new provisions within the Housing and Planning Act 2016, details the Council's new policy around succession in keeping with the provisions of the Act.

On commencement of the provisions within the Housing and Planning Act 2016, all secure tenancies, (granted pre and post April 2012), will lose the right for family members to succeed a tenancy (the minimum statutory right of spouse or partner will be in place for all secure tenancies).. **This policy does not affect existing statutory rights of succession until these provisions are repealed by the Housing and Planning Act 2016.**

The Council will not grant a succession in respect of:

- a property which is under-occupied as at the date of a tenant's death.
- a property which is intended for use as sheltered or extra-care accommodation or where there is an age restriction (such as over 55's only) which is not met by the potential successor
- a property which has been specially adapted for use by disabled or less-abled persons
- a person under the age of 18 years at the date of the tenant's death

The Policy also provides for the Council to allow a 6 month period of grace for non-qualifying family members and live-in carers facing hardship, providing use and occupation charges are met.

The aim of our Succession policy is to create greater headroom within our stock, allowing the Council to free up property and to make better use of our scarce resource, ensuring a fairer distribution of social housing.

This EqHIA does not cover the allocation of social housing. This will be covered by in a separate EqHIA accompanying the Housing Allocations Scheme.

Social housing is generally let at a time when households, particularly homeless households are in the greatest need. However, need does not necessarily remain constant over a lifetime but varies according to a variety of circumstances such as the birth of a child, children leaving home, health, disability, employment and caring needs. The current use of social housing does not reflect this, contributing to an overall shortage of social housing and over and under-occupation as well as occupation of properties which are unsuitable, for example to meet the needs of a disabled household.

The Council's intention, through the use of flexible tenancies, is to bring more movement into the system, and offers the opportunity for the Council, together with the households concerned, to

consider and review housing needs and aspirations periodically. It should be stressed that the expectation is that the majority of flexible tenancies will be renewed particularly where the household's circumstances remain unchanged.

### **Who will be affected by the activity?**

This policy will impact on council tenants who are granted a secure lifetime tenancy from the date that the new tenancy terms and conditions come into effect. Under the new tenancy terms and conditions, new secure lifetime tenants would be afforded the minimum statutory discretion rights under the Localism Act; allowing a partner or spouse to succeed a deceased tenant. In the main, secure lifetime tenancies will be offered mostly to residents in sheltered schemes and not to the mainstay residents in General Needs accommodation.

In the event that the provisions of the Housing and Planning Act 2016 ever come into play, all secure lifetime tenancies will lose their extended familial right of succession. As a legislatively driven provision, this is beyond the control of the Council and its officers.

Officers and Councillor's also need to aware of the new flexible tenancy review process and the potential impacts and benefits that this will bring to the management and use of Havering's Council stock.

**Protected Characteristic - Age: Consider the full range of age groups**

Please tick (✓) the relevant box:

**Positive**

**Neutral**

✓

**Overall impact:**

Tenants of all age groups who hold a secure life-time tenancy granted before April 2012, will remain unaffected, unless they choose to move (transfer or exchange their tenancy). The exception in this instance will be where they choose to down-size because they are under-occupying their home. The Council wants to reward those residents by offering them an alternative secure life-time tenancy. This is because tenants who chose to downsize are increasing social mobility and freeing up of Council stock, allowing those residents who need more bedrooms because of their household's size the opportunity to be more suitably accommodated. Tenants who downsize will not be adversely impacted.

Existing secure life-time council tenant's of all ages will be given a further life-time tenancy if they are required to move by the Council – in the instance of a permanent move (for example, a move arising from a Regeneration Programme).

Tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence will be offered alternative accommodation on the same life-time security of tenure (this follows from the Secure Tenancies (Victims of Domestic Abuse) Act 2018).

Older people who move to a property designated for tenants aged 60 or over (sheltered or extra-care schemes; or where the resident is aged 55 or over and requires a medium or high level of support due to frailty, ill-health or restricted mobility), will be granted a secure life-time tenancy.

Secure lifetime tenancies which commenced prior to April 2012 and those that have commenced since by virtue of the circumstances prescribed above will not be subject to review unlike those who have flexible tenancies (post April 2012).

Tenants of all ages may find the different tenancies on offer confusing – particularly those with a shorter length of tenancy. This will be negated at the point of sign-up to a tenancy, clearly outlined within the new Tenancy Agreement and the Council's new Tenancy handbook which will be provided to all council tenants on tenancy sign-up and available on our website.

Families with flexible tenancies with children at local schools may be more worried about tenancies not being renewed where they have children attending local schools and support networks. There is provision within the new policy for the Director of Housing (or designated equivalent) to decide in exceptional circumstances to offer a new tenancy either at the current or an alternative property. This applies specifically where there is a dependent in the household of the tenant who in the year of taking GCSEs or A Levels and there are no alternative properties within one hour's commute to the school the child is currently attending.

Similarly, where there is a child with specific educational needs which can only be met at one particular school and there are no alternative properties available within a feasible commuting distance, the Director of Housing (or equivalent) in consultation with the Head of Children's Services may agree to renewing the current tenancy.

**Negative**

Households with introductory/flexible tenancies who on review, are found to be over-accommodated or who no longer need a house which had been adapted to meet their needs, will (provided there are no other circumstances which would make them ineligible for Social Housing - such as their income exceeds the threshold for eligibility to join the Housing Register as prescribed within our Allocations scheme), be given a new tenancy for another property through an assisted offer. Housing Services will take into account the downsizer's circumstances and any exceptional circumstances, for example the welfare and social needs of a vulnerable client and terminal illness when making a decision. This will free up family size homes for young families.

As children in families become older, these families will need to move on to more suitable accommodation if their original accommodation becomes too large for these tenants and they become under-occupied. Where however, the household income remains below the threshold to be considered in housing need at the time that their tenancy is reviewed, we will offer assistance to these families to offer alternative accommodation in accordance with the bedroom standard.

Over time, older households with a flexible tenancy are most likely to be under-occupying as a result of children leaving home and are therefore more likely to be impacted. Reviews of flexible tenancies will allow the Council to identify and support older tenants to move to more manageable sized accommodation.

Greater headroom will as emerge as tenants who no longer need social housing move out following the review of their flexible tenancy and those who are under-occupying their homes are assisted to move into more appropriately sized accommodation. This will benefit overcrowded families with children

Through the use of the powers granted to Local Housing Authorities through the Localism Act 2011, the Council will be amending its Tenancy terms and conditions with regard to the rights of succession for family members for new secure lifetime tenancies from [ ]. From this date, succession in the event of a tenant's death will be limited to spouses or civil partners. Our flexible tenancies which we have been granting since April 2013 already reflect this statutory right of succession.

This change in policy represents an alignment with statutory requirements, (new Section 86A of the Housing Act 1980 introduced by section 160 of the Localism Act 2011) and until this provision of the Housing and Planning Act 2016 (H&PA 2016) commences, the Council considers it unfair to retrospectively apply this to all secure lifetime tenancies.

The Government have not confirmed when this (if at all), provision within the H&PA 2016, will commence. On commencement, all secure lifetime tenants pre and post April 2012 will lose the rights of succession for additional family members. Only spouses or civil partners will be able to succeed a tenancy.

We recognise that only allowing the statutory right of succession will affect tenants who presumed that they or their relatives would be able to succeed a council tenancy and that that this represents a change of mindset. This change for tenants has necessitated a change in our tenancy terms and conditions and will be explained to all tenants when they sign up to a tenancy.

The Council has consulted with both current tenants and prospective tenants

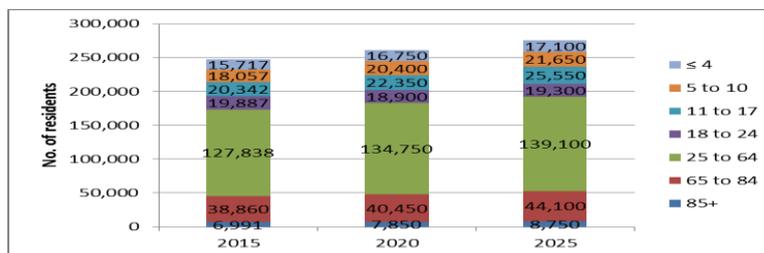
on the Housing Register to create an awareness of this change. When the provisions removing the rights for family members to succeed are removed on commencement of the H&PA, the Council will notify tenants in advance of the change through a deed of variation.

The Council acknowledges that moving home could have a detrimental affect on the health and well-being of a tenant. The impact may be greater on older people because they are more likely to need to move due to under-occupation of the home. The Council will provide help to move where it is needed and continue to promote our downsizing incentive scheme.

With regard to older people with disabilities, it is anticipated that these households will benefit from the increased availability of adapted properties made available from limits to succession.

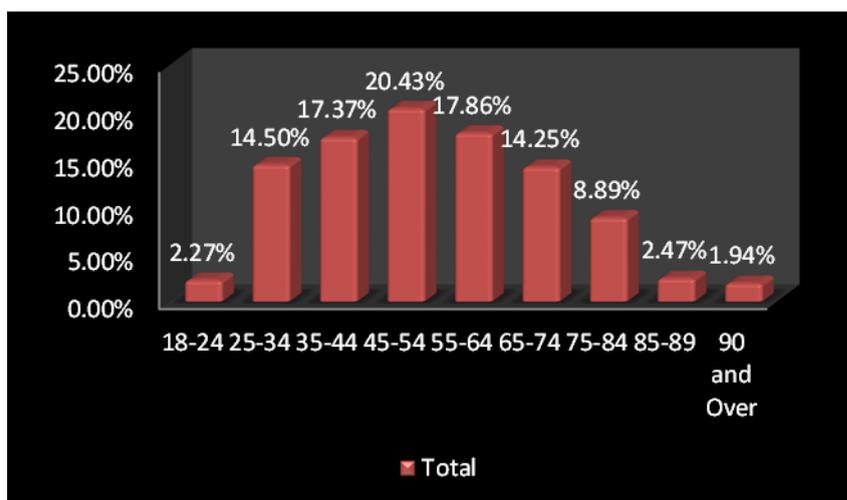
**Evidence:**

**Table 1: Projected Population Growth by Age Group in Havering (across all tenure types)**



The estimated population of the London Borough of Havering is 245,974. Havering has the oldest population in London, with a median age of approximately 40 year's old. Households are mainly composed of pensioners or married couples with dependents. It is projected that the largest increases in population will occur in children (0-17 years) and older people age groups (65 years and above), up to 2030.

**Table 2: Age range of all current council tenants across all tenancy types**



Data extracted from OHMS (May 2018) shows that the majority of council tenants in Havering (72 %) are working age (18-64 years of age). Typically those households are more likely to have families of school age. Where on review, their accommodation is no longer suitable, and where resources permit, provided the tenant remains eligible for social housing, the Council will seek to allocate the tenant more suitable accommodation which meets their housing needs.

In the instance where on review, the tenant and their household are found to be over-occupying their accommodation, again (dependent on resources), the Council will seek to re-house the tenant with the same security of tenure that they currently hold. In exceptional circumstances, where the household has a child at a critical school year (GCSE or A Level exam year) or where a child has special educational needs and alternative accommodation within an hours' commute from the school cannot be found, it is within the powers of the Director of Housing (or their delegate) to grant a further tenancy at the property.

This will benefit both existing and prospective tenants as this will free up much needed council stock for families.

**Sources used:**

Projected Population Growth by Age: 2014 Round Strategic Housing Land Availability Assessment (SHLAA) Based Projections (GLA)

Diversity Report from OHMS – May 2018

Protected Characteristic - Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions	
<i>Please tick (✓) the relevant box:</i>	<p><b>Overall impact:</b> When an introductory or flexible tenancy is reviewed, the needs of the tenant and their household members will be considered. In the instance where a tenant and their household occupy a property which has been adapted to accommodate the tenant or a member of their households' needs as necessitated by a disability, the Council will consider if the adaptations are no longer required, or possibly that the adaptations no longer meet the tenant/their households needs.</p>
<b>Positive</b>	
<b>Neutral</b>	✓
<b>Negative</b>	<p>The end of tenancy review will also ensure that the Council considers carefully tenants' continuing housing needs and can move them to more suitable accommodation where this is appropriate. This is likely to be particularly beneficial for those with access needs who might need to move to adapted accommodation.</p> <p>Provided the tenant remains eligible for social housing and is in housing need, the tenant may be offered a flexible tenancy at the property, or alternative accommodation at a more suitable property. Alternatively where tenant or their household no longer require a specially adapted property, it will enable the Council to allocate this property to another tenant who needs it, freeing up much sought after stock.</p> <p>If at the end of a flexible tenancy, there are definite reasons to terminate a tenancy, and where a property has been adapted but the adaptations are no longer required by the household (e.g. where a disabled child has moved on), the property could be returned to the Council and re-let. In effect, there may be a greater turnaround of adapted properties, meaning that more people on the housing register requiring adapted or wheelchair accessible homes could be helped.</p> <p>Disabled households are more likely to benefit from the review of flexible tenancies as it is anticipated that adapted properties will become more frequently available. Properties that would previously have been considered 'lost' from the Council's Housing stock as a result of the old rules on tenancy will be more easy to recover back where the household member who required the adapted property is no longer residing in the property.</p> <p>People with learning difficulties or mental health problems may find the different lengths of tenancy on offer particularly confusing. People with learning difficulties may find it harder to request reviews of decisions relating to flexible tenancies and to attend hearings. This may be negated by the need to encourage advocacy and representation for those less-abled tenants by informing advice agencies about flexible tenancies and how this may affect tenancies.</p> <p>To ensure that tenants who identify with this particular characteristic are not adversely impacted at the point of tenancy sign up, we will note any needs and provide support to explain to new tenants how flexible tenancies work and the review mechanism in place prior to their tenancy period ending.</p> <p>Limiting succession to the spouse or partner of a tenant for all new secure lifetime tenancies will allow the Council to prioritise and allocate a property by housing need. There are an increasing number of people with physical disabilities in the Borough, who need homes and facilities to meet their needs.</p>

The capacity of existing provision to meet those needs is limited by constraints on public spending, the suitability of existing homes, the affordability of suitable properties, and the increasing demand from an increasing number of disabled people for the limited resources available. It is increasingly difficult to persuade family members who under the current pre-HaPA rules are able to succeed a tenancy, to relinquish an unsuitable property. By keeping succession to the statutory minimum, on commencement of the new act, it is hoped that it will be easier to offer alternative suitable accommodation to a surviving partner or spouse. Where a property has previously been adapted, these adaptations may not necessarily be required by the successor and/or there be an age restriction which renders them ineligible to hold the tenancy of the property.

The Council is committed to ensuring that adapted and wheelchair enabled homes are not let to those who do not need them; and that they are let to those who do. This will enable the Council to meet the increased demand for appropriate and suitable accommodation for disabled tenants, freeing up stock and matching tenants with accommodation which meets their needs.

People with sensory impairments, learning difficulties and mental health problems may find it particularly hard to move (due to under occupation or if they did not qualify for a discretionary succession) as they may never have lived in another area or independently.

Any negative impacts need to be balanced against those which are positive. Making better use of the housing stock is a key aim of our Tenancy policy and this will mostly benefit families, particularly larger ones as it will help address overcrowding and long waits in temporary accommodation, therefore, in circumstances where a property has been adapted but the adaptation is no longer required or the size of the adapted property for an existing disabled tenant is no longer appropriate, steps will be taken to offer a suitably sized property to make best use of the size of the property as well as the existing adaptations made to the property to the surviving spouse or partner. This will enable larger households or households with a disability to be offered a suitable property for their housing and medical needs.

Where a household needs an adaptation made to their property but they are under-occupying their home, in the first instance the approach taken in the policy is to offer a suitable alternative – this could be a suitable smaller property already adapted or a smaller property that will be duly adapted before the household move in, if necessary.

Tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence will be offered alternative accommodation on the same life-time security of tenure (this follows from the Secure Tenancies (Victims of Domestic Abuse) Act 2018).

We will also include information on Housing Services' pages on the Havering website, the tenant magazine 'At the Heart' and in any direct contact our officers have with tenants.

On request, the Council can provide this information in an appropriate format according to the needs of the tenant.

## Evidence:

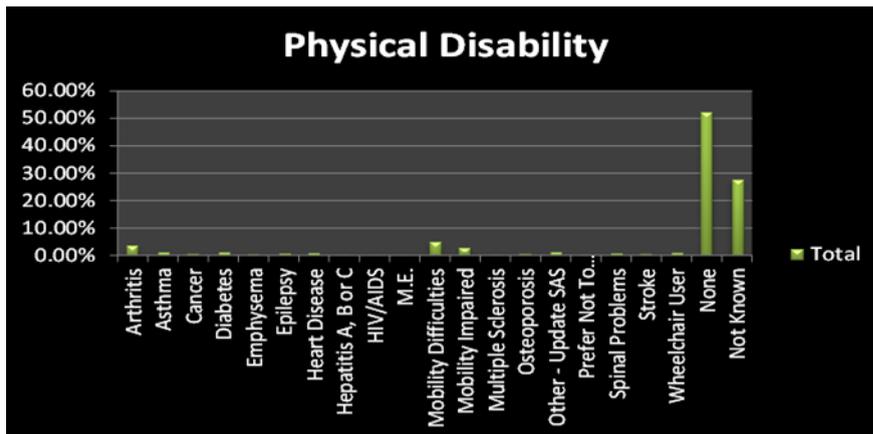
Census data details of the Borough as a whole (across all tenure types), indicates that 18% of working age residents have a long term illness, disability or fragility which affects daily activities. This is compared nationally to around 19% of all households in England who someone with a disability or serious medical condition compared:

The estimated number of people in Havering aged 18-64 living with moderate physical disabilities was 11,592 in 2015 – a rate of 7,779 per 100,000 population aged 18-64 years. This rate is one of the highest among London local authorities. It is statistically similar to England but significantly higher than the London average.

Equalities data from the current Housing Register, (as at 17<sup>th</sup> August 2018), shows that 8% of applicants accepted on to the Housing Register have a sensory or physical disability which may necessitate the allocation of a property with a level of adaptation to meet their need. The review of flexible tenancies will serve to identify where a tenant or a member of their household no longer needs an adapted property. Where the tenant continues to have an ongoing housing need and continues to meet the eligibility criterion for social housing according to the Council's Allocation Scheme, the Council will offer the tenant a new tenancy in an appropriate property.

As of 3<sup>rd</sup> September, there are currently 1041 properties within the general needs and sheltered housing council stock which have disability adaptations.

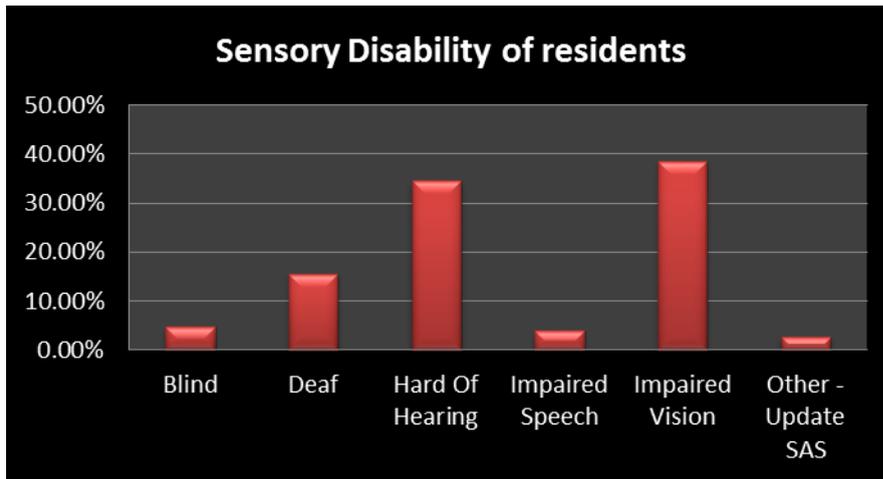
**Table 3: Percentage of council tenants with a physical disability**



Data extracted from OHMS has established that 20% of council tenants have identified themselves as having a physical disability. This is, however, a figure reliant on the self-reportage of tenants and does not necessarily mean that all instances of physical disability require an adaptation.

Reviews of flexible tenancies will assist officers in identifying where the tenant's current accommodation is no longer suitable for the tenant or a member of their household's housing needs. Where possible, and dependent on resources, it may indicate that a tenancy at a more suitable property may be required. Alternatively, where there is scope within the accommodation to adapt the property to meet the tenant's needs, our officers will assist the tenant in requesting assistance from the Disabled Facilities Grant fund, which may enable the tenant to remain in the property.

**Table 4: Percentage of council tenants with a Sensory Disability**



According to diversity data from Housing Services' most recent report May 2018, 2% of Council Tenants have declared that they have a sensory disability. It is worth noting that this like physical disability, this is a self-declaration of disability and not measured through any recognised receipt of disability related state benefits received or certification from a medical practitioner. It may be that the percentage of council tenants with a sensory disability is genuinely closer to that observed in the most recent census. Again reviews of flexible tenancies will assist the Service in identifying where a tenant needs an adaptation to their home or where a move to more suitable accommodation would benefit the tenant.

**Sources used:**

Census 2011; Office for National Statistics (ONS); Produced by Public Health Intelligence  
Diversity Report from OHMS – May 2018  
Housing Register Diversity Report – August 2018

**Protected Characteristic - Sex/gender: Consider both men and women**

Please tick (✓) the relevant box:

**Positive**

**Neutral**

✓

**Overall impact:**

As a group, women are more likely to seek social housing (81% of Housing Needs Register applicants are women, as the Housing Register demonstrates in August 2018), and are more likely to be affected by reviews of flexible tenancies. Women are also more likely than men to be lone parents and disproportionately more likely to be renting from social landlords.

Women are more likely to be lone parents and they may be more concerned about tenancies not being renewed where they have children at local schools and will rely on support networks.

Families with flexible tenancies with children at local schools may be more worried about tenancies not being renewed where they have children attending local schools and support networks. There is provision within the new policy for the Director of Housing (or designated equivalent) to decide in exceptional circumstances to offer a new tenancy either at the current or an alternative property. This applies specifically where there is a dependent in the household of the tenant who in the year of taking GCSEs or A Levels and there are no alternative properties within one hour's commute to the school the child is currently attending.

Similarly, where there is a child with specific educational needs which can only be met at one particular school and there are no alternative properties available within a feasible commuting distance, the Director of Housing (or equivalent) in consultation with the Head of Children's Services may agree to renewing the current tenancy.

Existing tenants with a secure life-time tenancy will remain unaffected and retain their security of tenure, unless they choose to leave the property on their own volition (excluding those fleeing domestic abuse or moved because of a regeneration or major repair scheme) for a mutual exchange or a transfer to another property.

Tenants with dependents/caring responsibilities would be more likely to be eligible for renewal of their tenancy. They would be less likely to be under-occupying, and more likely to have exceptional circumstances to enable renewal.

The process of reviewing flexible tenancies will allow the Council to identify households who are under-occupying their current properties so that other families who need these homes can live in these properties. This will be in keeping with our aim to provide for the best use of accommodation and allocating homes to those with the greatest need.

Almost 2/3's of our tenants are women. Women live longer so may be more likely to be under-occupying their property on the death of their partner. (The life expectancy at birth for people living in Havering is 80.2 years for males and 84.1 years for females. The life expectancy at age 65 years in Havering is 18.9 years for males and 21.6 years for females. Data source: Life expectancy at birth, 2001-2003 to 2013-15; Public Health Outcomes Framework (PHOF); Produced by Public Health Intelligence).

While they may be entitled to succeed their husband or partners' tenancy, it may be that they are under-occupying their current property. Alternatively, the

**Negative**

property may be unsuitable for the successor’s housing needs.

Tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence will be offered alternative accommodation on the same life-time security of tenure (this follows from the Secure Tenancies (Victims of Domestic Abuse) Act 2018).

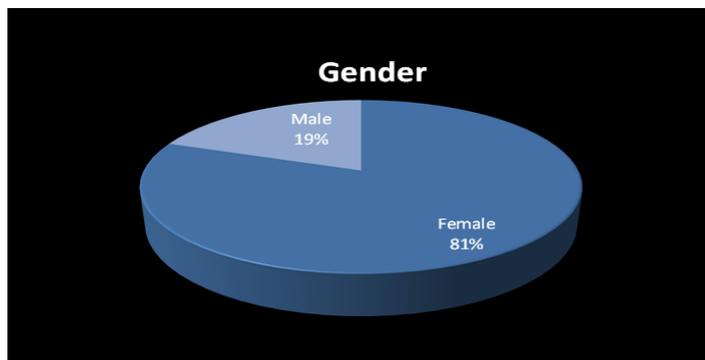
Any negative impacts need to be balanced against those which are positive. Making better use of the housing stock is a key aim of the Tenancy strategy and this will most benefit families, particularly larger ones as it will help address overcrowding and long waits in temporary accommodation

The demographic profile of Havering council tenants indicates that there are more women on our housing register. Many of these prospective tenants will be the heads of single parent families who may require a two or three bedroom property. Making the best use of housing stock is beneficial to overcrowded families and those waiting for housing, as they will be able to move more quickly.

To this end, as part of ‘business as usual’, details of the changes in our policy will be publicised to all tenants. We will also include information on Housing Services’ pages on the Havering website, the tenant magazine ‘At the Heart’ and in any direct contact our officers have with tenants.

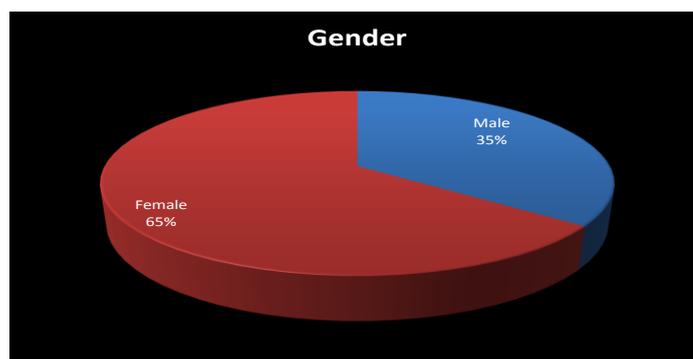
**Evidence:**

**Table 5: Percentage of women and men on the Housing Register (August 2018)**



Data from the current Housing Register shows that there are more female applicants on the Housing Register compared to male applicants at present, (81% female to 19%). This is a significant increase compared to the current percentage of female to male council tenants within the current council stock.

**Table 6: Percentage of women to men with current council tenancies**



Current demand on the Housing Register shows that this trend is likely to remain with more female to male applicants seeking social housing. It therefore stands that if there were any adverse effect it would more likely impact on women.

**Sources used:**

Life expectancy at birth, 2001-2003 to 2013-15; Public Health Outcomes Framework (PHOF); Produced by Public Health Intelligence).

Diversity Report from OHMS – May 2018

Housing Register Diversity Report – August 2018

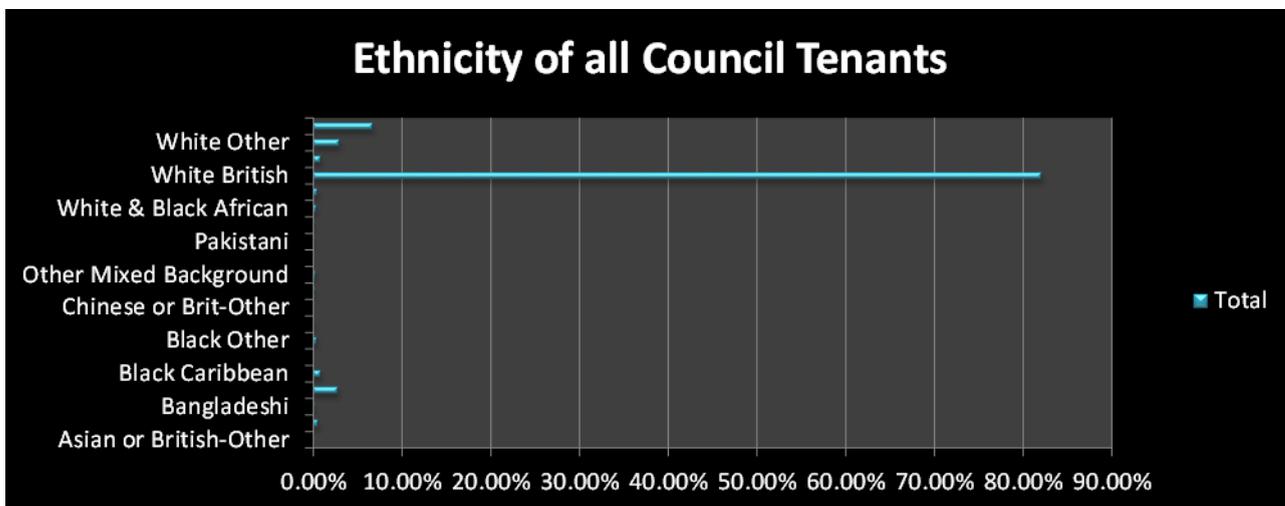
**Protected Characteristic - Ethnicity/race:** Consider the impact on different ethnic groups and nationalities

<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>  Introductory and Flexible tenancies are issued to all new tenants regardless of race, according to the terms set out in the tenancy policy. The issue here is more about ensuring that all groups are able to understand the implications and review process of these tenancies.  There may be an adverse communication impact where a persons' first language is not English. This can however be negated by residents using the translation services available within the Borough and through voluntary and third sector support providers.  Council officers can work with the relevant advice agencies and partnerships, to keep them informed fully about flexible tenancies and changes to succession - and ultimately how the changes impact on the communities which they serve.  Tenants across all ethnic groups will benefit from the new rules on succession, particularly those who occupy a home which is over-crowded, allowing the Council to manage this resource in a more cost-effective way.  Tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence will be offered alternative accommodation on the same life-time security of tenure (this follows from the Secure Tenancies (Victims of Domestic Abuse) Act 2018).
<b>Positive</b>		
<b>Neutral</b>	✓	
<b>Negative</b>		

**Evidence:**

Havering is one of the most ethnically homogenous places in London, with 83% of its residents recorded as White British, higher than both London and England. About 90% of the Borough population were born in the United Kingdom.

**Table 7: Ethnicity of all council tenants**



82% of current council tenants are of White British Origin, with White other (3%) and Black African (3%) making the largest cohort groups of other ethnicities among current tenants.

**Sources used:**

Census 2011; Office for National Statistics (ONS); Produced by Public Health Intelligence Diversity Report from OHMS – May 2018

**Protected Characteristic - Religion/faith:** Consider people from different religions or beliefs including those with no religion or belief

Please tick (✓) the relevant box:

**Positive**

**Neutral**

✓

**Negative**

**Overall impact:**

Introductory and Flexible tenancies will be issued to all new council tenancies irrespective of religion or belief, according to the terms set out in the tenancy policy. All tenants regardless of their religion or faith will have these tenancies reviewed considering the five clear criteria set out in the policy for the grant of a renewed tenancy.

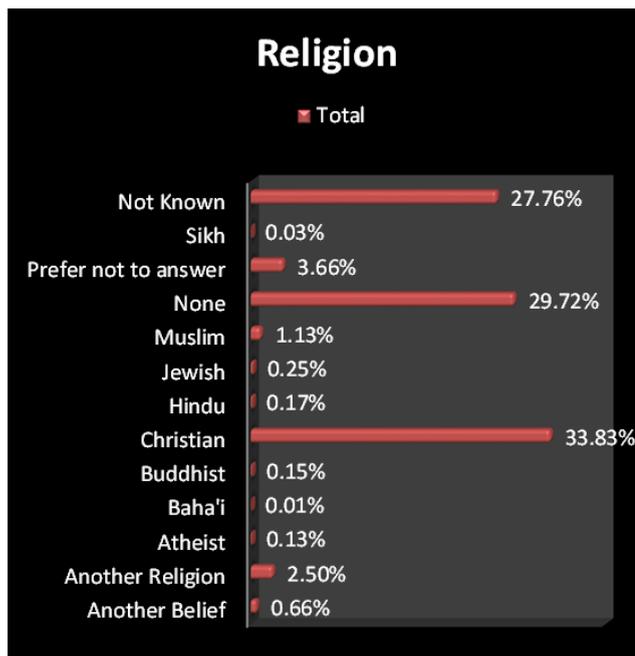
Religious belief may impact on a household's re-housing options re: mortgage and loan take up, where a household's financial circumstances may improve requiring them to purchase a home, where issues of affordability may arise.

Any adverse effect would be negated by housing advice and support in the instance where a tenant no longer was eligible for social housing.

Tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence will be offered alternative accommodation on the same life-time security of tenure (this follows from the Secure Tenancies (Victims of Domestic Abuse) Act 2018).

**Evidence:**

**Table 8: Religious Beliefs of all council tenants**



The majority of current council tenants who provided this information have indicated that they follow the Christian faith, 31% have not provided this information while 30% have indicated that they do not have a particular religious or faith belief.

However, the Council recognises that as the demographics of the Borough and London are changing, the variety of religious beliefs and faiths among our tenants will widen.

**Sources used:**

Diversity Report from OHMS – May 2018

Protected Characteristic - Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual	
<i>Please tick (✓) the relevant box:</i>	<p><b>Overall impact:</b> Introductory and Flexible tenancies will be offered to all new general needs council tenants irrespective of their sexual orientation. All tenants will have these tenancies reviewed considering the five clear criteria set out in the policy for the grant of a renewed tenancy.</p> <p>Succession rights can be granted to the deceased tenant's partner including the same sex partner if they were living together just before the tenant's death, a qualifying member of the deceased tenant's immediate family, a joint tenant of the deceased tenant or to someone who inherited the tenancy. The provisions within the H&amp;PA to grant a statutory right to succession for spouses and partners (including same sex and non-married couples).</p> <p>Paragraph 20 of Schedule 8 to the Civil Partnership Act 2004 amended section 87 of the Housing Act 1985 to ensure that a civil partner has the same rights to succeed to a secure tenancy as a spouse.</p> <p>Paragraph 27 of Schedule 8 amended the definition of 'member of a person's family' in Parts 3 and 4 of the 1985 Act to include references to a civil partner or civil partnership alongside references to spouse or marriage. The amendment also extends the definition to couples who are living together as civil partners as well as people who are living together as if they were civil partners as well as people living together as husband and wife. Similar amendments were made to the Housing Act 1988.</p> <p>Tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence will be offered alternative accommodation on the same life-time security of tenure (this follows from the Secure Tenancies (Victims of Domestic Abuse) Act 2018).</p> <p>Although the Council has very limited data available, we have been unable to identify where the Tenancy policy has a disproportionate impact on this protected characteristic.</p>
<b>Positive</b>	
<b>Neutral</b>	
<b>Negative</b>	
<p><b>Evidence:</b> There is a deficit in the data held on the sexual orientation of residents within the Borough and tenants are often reluctant to disclose this information. Any issues brought to our attention will be dealt with sensitively on a case by case basis. The Council will encourage tenants to declare any issues in terms of harassment, hate crime or domestic abuse which could impact on where we place a tenant in the event that a tenant is no longer eligible for social housing on review of their flexible tenancy or where we gauge that the accommodation that they have been occupying is no longer suitable for their housing needs.</p> <p>We recognise that this is an elective process on the part of the tenant and the Council will respect the confidence given to our officers when a tenant discloses this information to use.</p>	
<p><b>Sources used:</b> There is insufficient data available on this protected characteristic.</p>	

**Protected Characteristic - Gender reassignment:** Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth

*Please tick (✓) the relevant box:*

**Positive**

**Neutral**

**Negative**

**Overall impact:**

There is no qualitative or quantitative data to suggest that the policy would have a greater or lesser effect on people on account of their Gender Reassignment

Gender reassignment is not relevant to the majority of housing services, with the exception of tackling harassment, hate crime or domestic abuse.

**Evidence:**

There is a deficit in the data held on residents who have undergone or are undergoing gender reassignment. In a similar vein to the protected characteristic of sexual orientation, there is a reticence among residents and tenants to disclose this information.

The Council will encourage tenants to declare any issues in terms of harassment, hate crime or domestic abuse which could impact on where we place a tenant if on review of their flexible tenancy they are no longer eligible for social housing or where the accommodation no longer meets their housing needs.

We recognise that this is an elective process on the part of the tenant and the Council will respect the confidence given to our officers when a tenant discloses this information to us.

**Sources used:**

There is insufficient data on this protected characteristic

Protected Characteristic - Marriage/civil partnership: Consider people in a marriage or civil partnership	
<i>Please tick (✓) the relevant box:</i>	<p><b>Overall impact:</b> We do not collate data on the marital status of council tenants only at the point of entry on the Housing Register and can be unreliable over time.</p>
<b>Positive</b>	
<b>Neutral</b>	✓
<b>Negative</b>	<p>There is no evidence that this policy or associated procedure will have a negative or disproportionate impact on persons as a result of their marital or civil partnership status.</p> <p>There is no qualitative or quantitative data to suggest that the new policy on succession would have a lesser effect on people on account of their marital status. A spouse or partner of a deceased tenant would be able for one time only to succeed a tenancy.</p>
<p><b>Evidence:</b></p> <p>Marital/civil partnership status is obtained at the point of entry to the Housing Register and when a tenant signs up to a tenancy agreement. Over time, the circumstances of a tenant may change and the Council are not always informed about a tenant's change in circumstances.</p> <p>Over the course of the Tenancy Reviews which officers will undertake, this data will become more reliable and when the Tenancy Policy is next reviewed, any impact arising from the policy will be considered and mitigated.</p>	
<p><b>Sources used:</b></p> <p>The data that the Council holds on this protected characteristic is not reliable and cannot inform this EqHIA.</p>	

**Protected Characteristic - Pregnancy, maternity and paternity:** Consider those who are pregnant and those who are undertaking maternity or paternity leave

*Please tick (✓) the relevant box:*

**Positive**

**Neutral**

**Negative**

**Overall impact:**

Housing Services holds information on pregnancy and maternity on its administrative systems where it is the primary reason for the households housing need or when an applicant chooses to disclose this. It is a transitory situation and is difficult to accurately assess any equality impacts.

This protected characteristic may benefit from the limitation on the rules of succession as there are more likely to be residents within this group on the Housing Register looking for suitable family sized accommodation.

**Evidence:**

The data that we initially hold at the point of entry to the Housing Register changes over time. Increased reviews of tenancies will however establish where a tenant and their household are over/under-accommodated and the Council will endeavor, dependent on the accommodation available to the Service, to ensure that the housing needs of the tenant and their household are met.

**Sources used:**

No up to date and reliable data is currently available concerning this protected characteristic.

**Socio-economic status:** Consider those who are from low income or financially excluded backgrounds

Please tick (✓) the relevant box:

**Positive**

**Neutral** ✓

**Negative**

**Overall impact:**  
Regular reviews of flexible tenancies will have a positive effect on those most in priority need at a time when they need social or affordable housing.

The review regime for flexible tenancies will ensure that those people in the most economic need can remain in social housing and those who are financially able to find their own accommodation will be encouraged to do so.

Tenants, who are able to afford to move on to alternative housing following the review of their tenancy, will be asked to do so. This means that housing vacancies will become available more frequently for those who are unable to afford alternatives. However, overall, numbers are likely to be low.

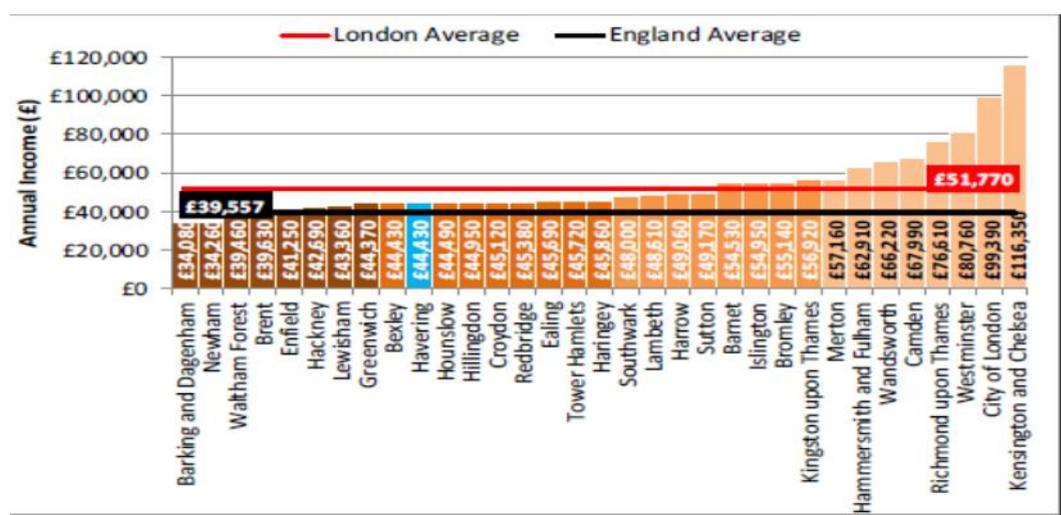
Households with more than one adult may benefit from dual incomes but may find themselves at risk of losing their tenancy on review, if their combined income exceeds the threshold as per the Council's Housing Allocation policy.

Limiting Havering's policy on succession to the previous tenant's spouse or partner will free up social housing. A number of residents on the Housing Register are looking to move from the Private Rent Sector into more affordable housing. Privately renting accommodation can be a considerable expense to young families. The policy will free up our Council stock and ensure that it goes to those who need it the most.

**Evidence:**

Despite low deprivation scores and high employment rates, the average gross household income in Havering, (£44,430), as measured in 2012/13, is low in comparison to the London average of £51,770 and slightly higher than the England average of £39,557. It is in the lowest third of all London Boroughs.

**Table 9: Total Average Annual Household Income in London Boroughs 2012/13**

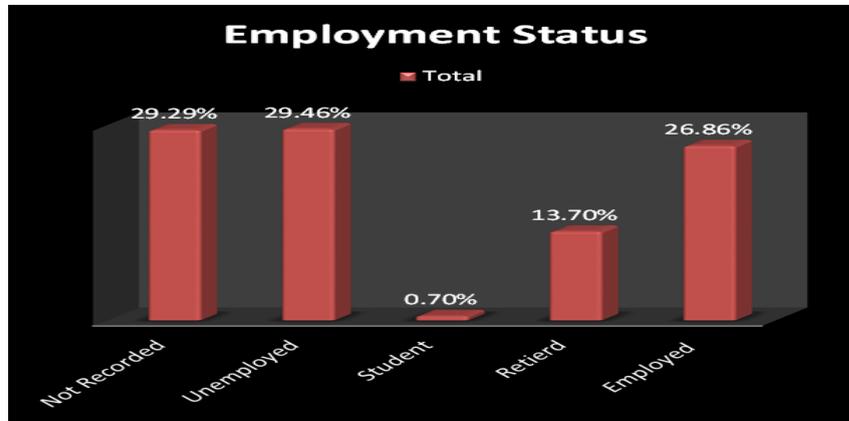


Havering is classed as a relatively affluent borough based on the Index of Multiple Deprivation 2015, ranked 166<sup>th</sup> overall out of 326 Local Authorities in England (the first being the most deprived).

The employment rate within the Borough is higher than the London and England averages. About 79.8% of working age residents in Havering were employed between October 2016 and September 2017, compared to 73.7% and 73.6% in London and England respectively.

The proportion of working age residents in the Borough claiming out of work benefits (7.0%) is significantly lower than England (8.4%)

**Table 10: Employment Status of all Council Tenants**



Data held on current Council Tenants demonstrates that 27% of all Council Tenants are employed on a full-time or part-time basis, while just fewer than 30% are unemployed. The number of tenant's whose employment status remains unrecorded will change as the process of reviews takes place over time. This data is not reliable in that this data is only picked up at the point where a tenant accepts an offer of council home, and individual circumstances can change over time.

**Sources used:**

English Indices of Multiple Deprivation 2015, the Department for Communities and Local Government.  
 Diversity Report from OHMS – May 2018

**Health & Wellbeing Impact:** Consider both short and long-term impacts of the activity on a person's physical and mental health, particularly for disadvantaged, vulnerable or at-risk groups. Can health and wellbeing be positively promoted through this activity? Please use the Health and Wellbeing Impact Tool in Appendix 2 to help you answer this question.

<i>Please tick (✓) all the relevant boxes that apply:</i>		<b>Overall impact:</b>
<b>Positive</b>		<b>Do you consider that a more in-depth HIA is required as a result of this brief assessment? No ✓</b>
<b>Neutral</b>	✓	<p>The process of reviewing introductory and flexible tenancies will assist the Council in ensuring that accommodation occupied by the tenants meets their housing needs. Housing plays a key role in the health and well-being of residents. Overcrowding of accommodation can lead to health issues and family disputes. Evidence detailed below demonstrates that this is a real problem in Havering. The review process will identify and enable the Council to allocate social housing to those in the greatest need.</p> <p>Where resources permit, and eligibility for social housing remains, the Council will look to housing tenants in accommodation that meets the tenants needs, either in council stock or through the use of reciprocal and nomination agreements with registered providers with whom the Council works in partnership.</p> <p>Similarly, reviews of tenancies will also indicate in terms of disability where the tenant's current home is no longer suitable – either where the tenant or a member of their household no longer has a need for a specifically adapted property or where the review identifies that the tenant has a need for an adaptation to their home.</p> <p>Again, where resources permit, the Council will seek to allocate more suitable accommodation for the tenant or will assist the tenant to obtain a disabled facilities grant to adapt the home.</p> <p>The review of an introductory or flexible tenancy may bring to light that a property is no longer suitable for a tenant, particularly as tenant's age and their family grow up. The Council will assist the tenant in finding more suitable accommodation particularly where a tenant is under-occupying the property. This will free up much needed family homes.</p> <p>Reviews of introductory or flexible tenancies may also inform the Council about other needs which a tenant may have; this may include mental health support. Officers will work with Adult Social Care, Mental Health teams and other partner agencies to assist tenants sustain their tenancies.</p> <p>The protections afforded by the new Secure Tenancies (Victims of Domestic Abuse) Act 2018 provides increased protection for social housing tenants across all the protected characteristics with a secure life-time tenancy who are fleeing domestic abuse or violence. The new Act contains measures to ensure that lifetime tenants of social homes who are victims of domestic abuse are granted a further lifetime tenancy where either:</p> <ol style="list-style-type: none"> <li>a. they need to leave or have left their home to escape domestic abuse and are being re-housed by a local authority, or</li> <li>b. where they are a joint tenant and wish to remain a tenant of their social home after the perpetrator has left or been removed and the local authority decides to grant them a further sole tenancy in their current home.</li> </ol>
<b>Negative</b>		

**Evidence:**

The table below shows the identified size mix for affordable housing in Havering using both the 2014 and 2015 round GLA long-term trend migration figures for comparison purposes. (*Affordable housing is considered to be housing of any tenure which is judged to be affordable to a particular group or household by analysis of housing costs, income levels and other factors*).

This takes account of both overcrowded households who require a move to a larger dwelling and also under-occupying households who require downsizing.

**Table 11: Fully objectively assessed housing need for Havering for affordable homes 2011 -2033**

Affordable Housing in Havering		
	GLA 2014	GLA 2015
<b>1 bedroom</b>	900	640
<b>2 bedrooms</b>	2,400	2,850
<b>3 bedrooms</b>	4,100	5,400
<b>4 bedrooms</b>	700	1,610
<b>5 bedrooms</b>	100	20
Total affordable housing	8,200	10,520
<b>TOTAL</b>	25,200	30,050

For both the 2014 and 2015 round data, the evidence points to a high need for 3 bedroom properties in the affordable housing sector. The main driver of this need in the affordable sector is the need to address overcrowded households in Havering who require larger affordable housing.

The review of flexible tenancies will assist the Council in identifying where down-sizing may be appropriate to certain households and these properties can be placed back in to the churn of much needed council stock.

**Sources used:**

Outer North East London Strategic Housing Market Assessment for Havering – November 2016, by Opinion Research Services

### 3. Action Plan

The real value of completing an EqHIA comes from the identifying the actions that can be taken to eliminate/minimise negative impacts and enhance/optimize positive impacts. In this section you should list the specific actions that set out how you will address any negative equality and health & wellbeing impacts you have identified in this assessment. Please ensure that your action plan is: more than just a list of proposals and good intentions; sets ambitious yet achievable outcomes and timescales; and is clear about resource implications.

Protected characteristic / health & wellbeing impact	Identified Negative or Positive impact	Recommended actions to mitigate Negative impact* or further promote Positive impact	Outcomes and monitoring**	Timescale	Lead officer

**Add further rows as necessary**

\* You should include details of any future consultations and any actions to be undertaken to mitigate negative impacts

\*\* Monitoring: You should state how the impact (positive or negative) will be monitored; what outcome measures will be used; the known (or likely) data source for outcome measurements; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).

## 4. Review

In this section you should identify how frequently the EqHIA will be reviewed; the date for next review; and who will be reviewing it.

**Review:**

This policy will be reviewed three years from the date that the policy is approved by Cabinet or in the instance where legislative drivers change the framework for the granting and management of Council Tenancies.

**Scheduled date of review:** September 2021

**Lead Officer conducting the review:** Tenancy Sustainment Manager

**Please submit the completed form via e-mail to [EqHIA@havering.gov.uk](mailto:EqHIA@havering.gov.uk) thank you.**

## Appendix 2. Health & Wellbeing Impact Tool

Will the activity/service/policy/procedure affect any of the following characteristics? Please tick/check the boxes below

The following are a range of considerations that might help you to complete the assessment.

Lifestyle YES <input type="checkbox"/> NO <input type="checkbox"/>	Personal circumstances YES <input type="checkbox"/> NO <input type="checkbox"/>	Access to services/facilities/amenities YES <input type="checkbox"/> NO <input type="checkbox"/>
<input type="checkbox"/> Diet <input type="checkbox"/> Exercise and physical activity <input type="checkbox"/> Smoking <input type="checkbox"/> Exposure to passive smoking <input type="checkbox"/> Alcohol intake <input type="checkbox"/> Dependency on prescription drugs <input type="checkbox"/> Illicit drug and substance use <input type="checkbox"/> Risky Sexual behaviour <input type="checkbox"/> Other health-related behaviours, such as tooth-brushing, bathing, and wound care	<input type="checkbox"/> Structure and cohesion of family unit <input type="checkbox"/> Parenting <input type="checkbox"/> Childhood development <input type="checkbox"/> Life skills <input type="checkbox"/> Personal safety <input type="checkbox"/> Employment status <input type="checkbox"/> Working conditions <input type="checkbox"/> Level of income, including benefits <input type="checkbox"/> Level of disposable income <input type="checkbox"/> Housing tenure <input type="checkbox"/> Housing conditions <input type="checkbox"/> Educational attainment <input type="checkbox"/> Skills levels including literacy and numeracy	<input type="checkbox"/> to Employment opportunities <input type="checkbox"/> to Workplaces <input type="checkbox"/> to Housing <input type="checkbox"/> to Shops (to supply basic needs) <input type="checkbox"/> to Community facilities <input type="checkbox"/> to Public transport <input type="checkbox"/> to Education <input type="checkbox"/> to Training and skills development <input type="checkbox"/> to Healthcare <input type="checkbox"/> to Social services <input type="checkbox"/> to Childcare <input type="checkbox"/> to Respite care <input type="checkbox"/> to Leisure and recreation services and facilities
Social Factors YES <input type="checkbox"/> NO <input type="checkbox"/>	Economic Factors YES <input type="checkbox"/> NO <input type="checkbox"/>	Environmental Factors YES <input type="checkbox"/> NO <input type="checkbox"/>
<input type="checkbox"/> Social contact <input type="checkbox"/> Social support <input type="checkbox"/> Neighbourliness <input type="checkbox"/> Participation in the community <input type="checkbox"/> Membership of community groups <input type="checkbox"/> Reputation of community/area <input type="checkbox"/> Participation in public affairs <input type="checkbox"/> Level of crime and disorder <input type="checkbox"/> Fear of crime and disorder <input type="checkbox"/> Level of antisocial behaviour <input type="checkbox"/> Fear of antisocial behaviour <input type="checkbox"/> Discrimination <input type="checkbox"/> Fear of discrimination <input type="checkbox"/> Public safety measures <input type="checkbox"/> Road safety measures	<input type="checkbox"/> Creation of wealth <input type="checkbox"/> Distribution of wealth <input type="checkbox"/> Retention of wealth in local area/economy <input type="checkbox"/> Distribution of income <input type="checkbox"/> Business activity <input type="checkbox"/> Job creation <input type="checkbox"/> Availability of employment opportunities <input type="checkbox"/> Quality of employment opportunities <input type="checkbox"/> Availability of education opportunities <input type="checkbox"/> Quality of education opportunities <input type="checkbox"/> Availability of training and skills development opportunities <input type="checkbox"/> Quality of training and skills development opportunities <input type="checkbox"/> Technological development <input type="checkbox"/> Amount of traffic congestion	<input type="checkbox"/> Air quality <input type="checkbox"/> Water quality <input type="checkbox"/> Soil quality/Level of contamination/Odour <input type="checkbox"/> Noise levels <input type="checkbox"/> Vibration <input type="checkbox"/> Hazards <input type="checkbox"/> Land use <input type="checkbox"/> Natural habitats <input type="checkbox"/> Biodiversity <input type="checkbox"/> Landscape, including green and open spaces <input type="checkbox"/> Townscape, including civic areas and public realm <input type="checkbox"/> Use/consumption of natural resources <input type="checkbox"/> Energy use: CO2/other greenhouse gas emissions <input type="checkbox"/> Solid waste management <input type="checkbox"/> Public transport infrastructure