

Equalities Impact Assessment - Housing Allocations Policy

Stage 1 – Scope of the Equality Impact Assessments about your piece of work

1 Directorate	Housing Advice Service– Housing Strategy Division
2. Policy / Strategy / Service to be assessed:	Housing Allocations Policy
3. Lead Officer:	Anne Baldock, Group Manager - Housing Advice Service
4. Equality Impact Assessment Person / Team:	Teresa Evans, Equalities Officer
5. Date of Assessment:	14 August 2015
6. The main purpose and outcomes of policy/strategy / service to be assessed	The purpose of retrospectively applying the Housing Allocations Policy approved 4 August 2014 is to deliver a unified and transparent approach to all housing register assessments.
7. Groups who the piece of work should benefit or apply to.	This will apply to all applicants who joined the housing register prior to 3 November 2014.
8. Any associated strategies or guidelines i.e. legal/ national /statutory	Housing Act 1996 (as amended), Localism Act 2011 Equality Act 2010 Housing Strategy 2012-2017 Housing Business Plan Housing Needs Survey 2011 (supporting analysis used to inform this EIA available)

Context

Council Housing stock in Barking and Dagenham has declined from approximately 40,000 homes to just over 19,000 during the last 20 years, whilst the waiting list has increased dramatically in the same period. There are currently 2 Allocations policies in operation. One for applicants who applied prior to 3 November 2014 and one for those who applied on or after that date. Total waiting list demand is 14,500 with approximately 150 new applications consistently received each month. The number of council homes becoming available to let each year has dropped from 2,000 to around 600 in 2013/14. This is likely to continue to reduce as the borough's regeneration programme is ongoing until 2018 which has an impact upon the number of void properties available for letting until re-provision is fully realised. Waiting list applicants are typically on a low income or benefit dependant therefore securing a home in the private sector is difficult as there is increasing demand for the available rented properties in this borough which still has one of the cheapest rent levels in London. This is evident by the number of working households moving to the rented sector in the borough. Consequently the Council is maintaining and administering a growing waiting list of applicants, many of whom have little or no prospect of re-housing.

Demographic Change – Knowing our Community

The 2011 Census has shown that Barking and Dagenham has experienced significant demographic change between 2001 and 2011, especially in terms of age, ethnicity, religion, tenure and household composition. This change in Barking and Dagenham is part of the trend across East London which has been happening in inner London boroughs such as Newham and Tower Hamlets since 1991 and earlier.

The most significant points to note from the Census Key Statistics are:

- Increase in Borough population of 22,000 (**165,654 in 2001 - projection for June 2014 was 199,990**)
- Almost a 50% growth in 0-4 year olds
- A decrease in the White British population from 80.86% in 2001 to 49.46% in 2011
- An increase in the Black African population from 4.44% to 15.43%
- A rise in the Bangladeshi population from 0.41% to 4.14%
- An increase in all religious groups, except Christian and Jewish religions
- Growth in the proportion of Muslims from 4.36% to 13.73%
- Less people with no qualifications representing a 14.4% drop in numbers between 2001 and 2011
- Increase in lone parent households with dependent children to 14.3%
- Increase in Private Renting from 5.19% in 2001 to 16.59% in 2011.

During this period there has been a significant increase in demand for social housing, the waiting list has risen from 2,157 in 2001 to the current position of 14,500.

The borough is not unique in suffering from extremely high housing demand such that the difference between supply and demand means that Barking and Dagenham would need to deliver at least an additional 1,333 affordable homes per year for the next 5 years just to stand still (Housing Needs Survey 2011).

Current research shows that one of the key pressures for housing is the high levels of overcrowding across all communities within the borough, with particularly high impact upon the Black and Asian communities at 21.5% and 23% respectively (ONS Crown Copyright Reserved from Nomis 6 February 2014).

The Legal Context

Every Local Authority in England is required to have an allocations scheme, which must operate within the legal framework set out in the Housing Act 1996 (as amended). In framing their allocation scheme local authorities are required to give priority (known as reasonable preference) to certain categories of people and allow applicants to exercise choice in the allocation of social housing. The Allocations Policy must also give consideration to the Equalities Act 2010 in terms of eliminating discrimination but also our duty is to advance equality of opportunity.

The Localism Act introduces additional powers and duties including;

- Power to decide who qualifies for an allocation of social housing, withdrawing the requirement to have an open Housing Register and recommending a minimum of 2 years residency qualification.
- Power to give priority to working households and those making a contribution to the community.
- Power to discharge homelessness duties in the private sector.

Changes to the Barking and Dagenham Housing Allocations Policy

Cabinet on 4 August 2014 agreed a new Housing Allocations Policy to be introduced with effect from 3 November 2014 **for new applicants only**.

Following a comprehensive training programme the policy was successfully implemented and applied to all new applications for social housing received on or after the 3 November 2014.

As a consequence the Council is now operating two very different allocations policies dependent upon the date of application. This approach lacks transparency and is confusing for applicants and difficult for staff to administer and justify.

At the request of the Cabinet Member for Housing extensive and qualitative consultation has been carried out over a 12 week period with a view to operating one allocations policy. Experience of consulting on Housing Allocations issues has proven historically to be most effective when conducted face to face with customers by experienced staff as there are often long discussions regarding the broader context and legislative requirements. Following comprehensive training, staff from Housing Advice Service, Tenant Participation Team and key Partner Agencies (including RAMFEL, CAB and the Somali Women's Group) carried out consultation at the following venues and forums;

- Tenants and Residents Associations
- Visitors to the Citizens Advice Bureau
- Visitors to Dagenham Library
- Visitors to John Smith House

- Community and Faith Groups
- Staff and Stakeholders

This report also highlights two further proposed policy changes which have been considered and consulted upon following feedback from frontline staff in light of operational experience, and as agreed by Cabinet as part of an annual review of policy to reflect changes in the housing market :

- To exclude owner occupiers from joining the housing register unless there are exceptional circumstances and
- To exercise the right to suspend applicants from bidding when they have refused three reasonable offers of accommodation

To operate a single Allocations Policy it will be necessary to carry out a full review of all 13500 housing applicants registered before the 3 November 2014. This will result in a significantly reduced housing register which will reflect demand from those with a connection to the borough and a recognised housing need.

The proposed changes to the Housing Allocations Policy reflect key policy principles that:

- Assist the Council to ensure that best use is made of Council stock and to ensure that properties are allocated to those with a connection with the Borough, and a recognised housing need. This should help the Council to ‘enable social responsibility’.

. Equality Impact Assessment on the proposed changes to the Housing Allocations Residential Qualifications	
Proposed Change	<p>Explanation The total number of applications on the Housing Register at the time of writing the report is 14500 approximately.</p> <p>Of which 13,500 were on the register prior to 3 November 2014 and 1425 have subsequently applied of which approx. 1000 have met the revised criteria and been eligible to be included on the register. Of those registered prior to 3 November 2014, 1541 have no recognised connection with the borough and a further 5640 have no housing need. As a result over 7000 open applications have no prospect of re-housing. The Cabinet had also previously agreed that the Allocations Policy should be reviewed annually in view of the ever-changing housing market. Stemming from feedback from frontline staff in light of operational experience and following consultation, this report also proposes two policy changes:</p> <ul style="list-style-type: none"> • To exclude owner occupiers from joining the housing register unless there are exceptional circumstances; and • To exercise the right to suspend applicants from bidding when they have refused three reasonable offers of accommodation.

1) Retrospectively apply the Housing Allocations Policy agreed at Cabinet 4 th August 2014 to all housing register applications	Equality strand	Impact Positive (P) Neutral (N) Adverse Impact (AI) L/M/H	Explanation It is prudent to operate a single policy that demonstrates equality across the entire register and makes best use of staff resources. Applicants affected by this have little or no prospect of ever being re-housed.
	All	Adverse Impact (L)	A total of over 7000 applications would be removed from the register as a consequence of policy change. Monitoring data (see Table A) shows of those applicants who would be removed from the register as they currently live outside of the borough the strands most affected are White British 34.27% and African 26.12%. Of those applicants who would be removed from the register as they have no recognised housing need the strands most affected are White British 41.43% and African 24.45%. However all of those removed from the register would never have been re-housed. Data from the consultation has shown that the two groups most affected were proportionately represented in the breakdown of ethnicity of those consulted
2) Excluding owner occupiers	All	Adverse Impact (L/)	Social housing should be for those in most housing need and those who do not have the financial means to acquire their own properties. Owner occupiers should be excluded from joining the register unless there are exceptional circumstances such as if an owner occupier has disabilities requiring extensive adaptations and their property is not suitable for such adaptations and there are not the financial means available to them to buy another suitable or adaptable property. When determining priority, it is lawful to take into account the financial resources available to a person to meet his housing costs. Consequently, a LA can lawfully give less priority to owner occupiers (wherever the property is situated). The exclusion of owner occupiers takes this one step further, but the qualification of allowing a discretion in exceptional circumstances is likely to be

			<p>sufficient to avoid legal challenges, subject to how that discretion is ultimately applied</p> <p>A very low proportion of the register are owner occupiers.</p>
Suspending Applications		Adverse Impact (N)	<p>Some applicants bid and refuse properties frequently. There is no deterrent at present to this practice. Every time an applicant bids successfully a short-listing process must be carried out, and a viewing arranged, this uses valuable officer time and may affect void turnaround time. It is therefore proposed that the Council exercises the right to suspend for 6 months those applicants that have refused three suitable properties.</p> <p>There are no obvious legal implications in relation to the proposal to suspend applicants who refuse three suitable properties, providing applicants are made aware of the likely consequences. This is a practical consideration to assist with the management of the scheme and the benefits of implementing this proposal are clearly justified with reference to the efficient use of officer time. Adequate notification will be given prior to any action to suspend an applicant.</p>

Table A

ethnicity	register	%	out of b	%	no pref	%
White British	5380	39.38	526	34.27	2558	41.43
African	3618	26.48	401	26.12	1510	24.45
Other White	1303	9.54	132	8.60	604	9.78
Not Stated	692	5.06	68	4.43	326	5.28
SUBTOTAL	10993	80.46	1127	73.42	4998	80.94
Caribbean	528	3.86	102	6.64	259	4.19
Bangladeshi	509	3.73	75	4.89	217	3.51
Pakistani	421	3.08	60	3.91	189	3.06
Other Asian	186	1.36	25	1.63	77	1.25
Mixed White/Black Caribbean	169	1.24	24	1.56	72	1.17
Other Black	166	1.21	28	1.82	76	1.23
Indian	160	1.17	23	1.50	72	1.17
Other	150	1.10	22	1.43	39	0.63
Other Mixed	115	0.84	18	1.17	53	0.86
Mixed White/Black African	99	0.72	11	0.72	47	0.76
White Irish	61	0.45	6	0.39	28	0.45
Mixed White Asian	45	0.33	5	0.33	22	0.36
Black British	42	0.31	8	0.52	15	0.24
Chinese	19	0.14	1	0.07	11	0.18
TOTAL	13663	100	1535	100	6175	100