

## Appendix 2

# Equality impact assessment form

Directorate	City Development & Growth
Service area	Strategic Housing
Proposal	Update the Tenancy Strategy 2021 to introduce Flexible (Fixed Term) Tenancies for Council-owned homes with 4 bedrooms or more & homes that have been significantly adapted for a disabled occupant. These will apply only to new tenancies created after the use of Flexible Tenancies has been approved and included in the Tenancy Strategy. It will not apply to existing tenancies.
Reason for proposal	Derby City Council is proposing to introduce Flexible Tenancies for new tenancies of Council-owned homes in short supply and/or high demand, namely those with 4 or more bedrooms or significantly adapted homes for a disabled occupant. The type of tenancies that the Council offers and any related conditions must be detailed in their Tenancy Strategy, a strategic document published by all Local Authorities to give guidance and information to social landlords operating in the area. As this document sets out the Council's policy on granting tenancies, any major change, such as the introduction of Flexible Tenancies, will require an update and formal approval.
Sign off (Director/Head of Service)	Ian Fullagar
Date of assessment	26 Sept 2022

**Please read the support notes to help you in Appendix 1 before completing your assessment**

### The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

### The assessment team or name of individual completing this form

**Team leader's name and job title** – Donna Hallows, Housing and Health Development Officer

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Clare Mehrbani	Director of Housing Services	Derby Homes	Housing
Andy Findlay	Volunteer		Disability Hub
Moirra Findlay	Volunteer		Disability Hub
Dale Durrant	Volunteer		Disability Hub

### Step 1- setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side- tracked.

<p>1. What are the main aims, objectives and purpose of the decision you want to make?</p>	<p>Introducing Flexible Tenancies for homes with 4 or more bedrooms and homes with significant adaptations will aim to:-</p> <ul style="list-style-type: none"> <li>• Meet Objectives 1 &amp; 3 from the Housing Strategy 2020-29, namely: <ul style="list-style-type: none"> <li>○ Make the best use of our housing stock by getting the most out of homes that already exist. Homes in short supply and/or high demand will be occupied only by those households that require them.</li> <li>○ Help those with disabilities by providing accommodation that is suitable for their needs.</li> </ul> </li> <li>• Reduce the time that households are required to live in unsuitable accommodation whilst they are waiting for appropriate homes to become available. This will reduce overcrowding and temporary accommodation costs.</li> </ul>
<p>2. Why do you need to make this decision?</p>	<p>The Council has a shortage of larger homes with 4 bedrooms or more and homes that have significant adaptations for a disabled occupant. The number of larger homes in Council ownership is reducing &amp; there is a significant number of these homes that are under-occupied. Regarding adapted properties, it is costly to purchase adapted homes or convert general needs houses to accommodate a disabled occupant.</p> <p>The use of Flexible Tenancies for these types of homes will help to ensure that properties are occupied by households that need this type of accommodation. They will also help to reduce the time that households have to live in unsuitable accommodation whilst they are waiting for more appropriate homes to become available.</p> <p>The introduction of Flexible Tenancies for these types of homes requires an amendment to the Council's Tenancy Strategy as it is a fundamental change to the Council's policy on allocation of tenancies.</p>
<p>3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?</p>	<p>Derby City Council's Housing Strategy Team carried out a consultation on the Council's Let's Talk Derby Consultation platform for 12 weeks from 22 June to 14 Sept 2022. The team will also publish the amended Tenancy Strategy. The administration of the new Flexible Tenancies will be carried out by Derby Homes.</p>
<p>4. Who are the main customers, users, partners, colleagues or groups affected by this decision?</p>	<p>All new tenants allocated Council-owned properties that are either larger homes of 4 or more bedrooms or significantly adapted properties will be offered Flexible Tenancies. This will not affect tenants on existing secure council tenancies. New tenancies refer</p>

	to those created from the date that this proposal is adopted into the Tenancy Strategy.
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## Step 2 – collecting information and assessing impact

5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.	<p>Public consultation took place between 22 June &amp; 14 Sept on the Council's Let's Talk Derby Consultation platform. This was open to any visitors to the Derby City Council webpage. The consultation was promoted through social media &amp; the Council website. The Let's Talk Derby consultation platform facilitates accessibility as it gives access to google translate as well as a read aloud function. The site also gives contact details should participants require other formats i.e., paper/easy read/braille. The Housing Strategy Team also invited the following specific groups to take part in the consultation:-</p> <ul style="list-style-type: none"> <li>• Registered Providers with stock in Derby</li> <li>• Statutory Agencies &amp; charities working with low income, vulnerable &amp; homeless households</li> <li>• Derby Homes employees</li> <li>• Equality Hubs and Forums</li> </ul>
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6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<b>Age</b> – older and younger people	<b>Older People</b> - The intro of FTs could negatively affect some older tenants of Council homes who are under-occupying larger 4+ bed homes as their children have grown up & moved out. At the 5-year review, they may be required to move house if they are under-occupying a property.		X	Tenants will be supported & offered an alternative property, including if they move to specialist supported housing (e.g., sheltered housing which is currently allocated on a secure lifetime tenancy ). The review process will help DH & DCC determine what alternative accommodation tenants would like which will help to shape the Council's new-build & acquisition policy &

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
				therefore ensure more choice will become available for tenants having to move house.
<b>Disability</b> – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments	This introduction of FTs will have a positive impact on eligible households who apply for Council-owned adapted properties. Houses with significant adaptations for a disabled occupant are more likely to become available sooner as tenants who are occupying them & no longer need these adaptations will be required to move to more suitable accommodation. Households who require an adapted property will be in unsuitable housing and/or on the Housing Register for a shorter length of time. This includes households placed in temporary accommodation.	X		<i>Tenants will be supported &amp; offered an alternative property, including if they move to specialist supported housing (e.g., sheltered housing which is currently allocated on a secure lifetime tenancy). There will be detailed help &amp; support offered to those tenants that will be required to leave their current homes to enable them to choose a suitable alternative home. This support will continue through every stage of the move. Tenants will also be advised that they can involve an advocate to help them e.g., disability charity/organisation to ensure all safeguarding issues are considered.</i>
<b>Gender identity</b> - trans and those people who don't identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity.	No negative or positive impact identified for this protected characteristic			
<b>Marriage and Civil Partnership</b>	No negative or positive impact identified for this protected characteristic			
<b>Pregnancy and maternity</b> - women who are pregnant or who have recently had a baby, including breast feeding mothers	No negative or positive impact identified for this protected characteristic			
<b>Race</b> - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community	Some larger families are from minority ethnic communities. <a href="#">National statistics</a> suggest that these families are therefore more likely to live in overcrowded accommodation. The introduction of Flexible Tenancies will enable more larger family	X		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	homes of 4+ bedrooms to become available at a faster rate than relying on natural turnover of properties.			
<b>Religion or belief or none</b> - the effects on religious and cultural communities, customers and colleagues	No negative impact identified for this protected characteristic			
<b>Sex</b> - the effects on both men and women and boys and girls	No negative impact identified for this protected characteristic			
<b>Sexual orientation</b> - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality	No negative impact identified for this protected characteristic			

**Important** - For any of the equality groups you don't have any information about, then please contact our Lead on Equality and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

### Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

<b>Outcome 1</b>	<b>X</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken. At the EIA discussion, it was agreed to include the additional assurances for tenants with disabilities set out in italics.
<b>Outcome 2</b>		<b>Adjust the proposal</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<b>Continue the proposal</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the proposal when the EIA shows actual or potential unlawful discrimination

Why did you come to this decision?

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the proposal. You also need to make sure that there are actions in the Mitigation Box to lessen the effect of the negative impact. This is so important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is so important that the equality impact assessment is done thoroughly, as this is what the Judge will consider

## Appendix 1

### Equality impact assessment form– please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact, you need to do an equality impact assessment whenever a decision is needed about our services and functions that affects people and **before** that decision is made. This also includes quick Covid 19 related decisions.

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures.
- Key decisions such as allocating funding to voluntary organisations, budget setting.
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to complete them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and

people who don't. The nine protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race religion and belief, sex and sexual orientation.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

This completed form should be attached to any Corporate Leadership, Senior Leadership, Cabinet or Personnel Committee report to help decision makers take the equality implications into account when they make the decision. Equality impact assessments **must be done before** decisions are made.

You'll find that completing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Unless this is a quick Covid 19 decision, don't do the form by yourself. Get a small team together and make sure you include key people in the team such as representatives from our Equality Hubs and Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

Remember, we need to complete these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010. If in doubt – it's better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website**. It is a public document so must not contain any jargon and must be easy to understand.

### Contact for help

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 mobile 07812301144

[Sign Language Service](#)

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 643722, 07812301144** or **[derby.gov.uk/signing-service/](https://derby.gov.uk/signing-service/)**

### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 64XXXX** ਜਾਂ **[derby.gov.uk/signing-service/](https://derby.gov.uk/signing-service/)**

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 64XXXX** lub **[derby.gov.uk/signing-service/](https://derby.gov.uk/signing-service/)**

### Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 64XXXX** alebo na stránke **[derby.gov.uk/signing-service/](https://derby.gov.uk/signing-service/)**



## Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640000** یا **derby.gov.uk/signing-service/** پر ہم سے رابطہ کریں