

EQUALITY IMPACT ASSESSMENT

Name of Policy/Service/Function	Ascham Homes Introductory Tenancies and Demoted Tenancies
Date of Assessment	September 2008
Directorate	Operations
Head of Service	Janet Wilson
Names and Roles of the people carrying out the EIA	Erhan Mestanoglu, Project Manager, Introductory Tenancies
Why is the Equality Impact Assessment being done?	Cabinet Report – New policy

1. Introduction and Background

1.1 Summary of proposal with comments on the level of relevance to the six equality groups

Introductory Tenancies were introduced by Part V of the Housing Act 1996, to give Local Authorities more effective powers to deal with nuisance and anti-social behaviour. The London Borough of Waltham Forest has decided that it wishes to introduce a scheme of Introductory Tenancies from May 2009.

Introductory Tenancies last for one year. They are granted to all new tenants, except where they were previously secure tenants. Where an existing tenant transfers to another council property, they will not be given an Introductory Tenancy. For new tenants, the tenancy becomes secure automatically at the end of the year unless a Notice to Terminate is served. The tenant has the right to request that the landlord reviews the decision to serve a Notice of Termination. If Notice To Terminate is served in accordance with the requirements of the Housing Act 1996, the Court has no discretion to refuse an application for possession.

Introductory Tenancies will encourage new tenants to adhere to the terms of their tenancy agreement and will enhance Ascham Homes ability to tackle nuisance, anti-social behaviour and rent arrears.

The Council wishes to provide equality between new tenants and settled tenants and has decided to introduce Demoted Tenancies. Demoted Tenancies, introduced by the Anti-Social Behaviour Act 2003 allows a secure tenancy to be demoted if the tenant or person residing in or visiting the dwelling-house has engaged or has threatened to engage in conduct to which s153A or 153B of the Housing Act 1996 applied, causes anti social behaviour and nuisance or conduct arising from an unlawful use of the premises.

The significance of the Scheme of Introductory Tenancies and Demoted Tenancies for particular customer groups very much depends on the extent to which the sanctions within the Scheme are likely to impact on them. We know that the following groups are more likely to be receiving NOSP's of rent arrears. Tenants under the age of 35 (who will receive 85% of NOSP's then the average), people who prefer written languages (200% more than average) other than English and those who prefer other spoken languages (100% more than the average). However, there is evidence that much of this disparity is associated with attitude towards rent payments rather than barriers to access the rent service. It is precisely this kind of culture that Introductory and Demoted Tenancies will address.

Procedures for managing Introductory Tenancies and Demoted Tenancies will be fair, transparent and effectively communicated to all new tenants, support agencies and stakeholders. We will ensure that all customers are offered the opportunity to have at least two face-to-face interviews with staff as part of the Notice To Terminate and Demoted Tenancy processes. Interpretation services will be offered where we know that a customer has a non-English written or spoken language preference and vulnerable customers with support needs will be referred to the appropriate agencies. Data on the profile of customers served with a Notice To Terminate and Demoted Tenancies will be collected and trends monitored.

2. Profile of groups affected as customers and the key equalities issues

2.1.1 Age

Introductory Tenancies: New tenants are more likely to be younger than settled tenants. Analysis shows that Notice of Seeking Possession for rent arrears is more likely to be served on younger tenants. In response to this we have developed our texting service, as it appears that may be a more effective communication channel for younger people than, say, a letter. Processes will ensure that the implications of not keeping to the terms of the Introductory Tenancy are effectively communicated to younger tenants. We have also entered into an arrangement with the Waltham Forest Credit Union who offer low cost loans; this will assist any new tenant wishing to arrange a loan. Casework indicates that anti-social behaviour often starts at the beginning of a tenancy and continues until action is taken, introductory tenancies will mean action can be taken at an earlier stage thereby reducing the negative impact on neighbours.

Demoted Tenancies: Demoted tenancies is one of the legal sanctions available to Ascham Homes when tenants do not keep to the terms of the their tenancy agreement as a result of anti-social behaviour. Ascham Homes works closely with its partners to assist tenants in changing their behaviour, demoted tenancies will provide them with a

further opportunity to remain in their tenancy and adhere to the terms of their tenancy agreement.

2.1.2 Disability

Currently, 8% of tenants have been identified with disabilities and the true figure may be considerably higher. Within this figure there is a number whose disability affects their capacity to manage their affairs or to properly understand tenancy conditions. There may also be behavioural problems associated with vulnerability or a mental health condition. These customers with support needs will be referred to the Tenant Support and Resettlement Team, and other agencies as applicable.

2.1.3 Gender

There is a wide gender imbalance within the customer base: 35% of customers are men and 65% women. A high percentage of our anti-social behaviour enforcement actions have been taken against females. The additional support provided to new tenants by Ascham Homes and the Council's Resettlement and Support Team should have a positive impact to assist tenants to change their behaviour and retain their tenancy.

2.1.4 Ethnicity

Introductory Tenancies: New tenants are more ethnically diverse than settled tenants. Broadly there appears to be an increasing proportion of Black and Asian tenants. Again the key issue is communication. We plan to develop a New Tenant DVD (with other language voice-overs), which will set out the terms of the Introductory Tenancy. The DVD will be played to all new tenants at sign up. Interpretation services are available through thebigword Group for customers on request. We are recruiting Community Facilitators to help us communicate and consult with 'hard to hear' groups and Introductory Tenancy's will be a key communication priority. The profile of customers served with Notice To Terminate will be closely monitored and trends will be analysed. If it appears that Notice To Terminate is impacting particularly heavily on particular groups, further work will be carried out to establish why this is so and to identify whether services need to be adjusted.

Demoted Tenancies: Historically anti-social behaviour enforcement action has been taken across all of the ethnic groups. A higher proportion of residents where action has been taken tend to be white. Demoted tenancies will give tenants a second chance to retain their tenancy providing they abide by their tenancy terms and conditions.

2.1.5 Faith groups

We have not yet carried out an analysis of whether particular faith groups are subject to anti-social behaviour and harassment. The indications are that Introductory Tenancies and Demoted Tenancies will help to increase the confidence of faith groups that anti-social behaviour will be dealt with effectively.

2.1.6 Sexual orientation

We know very little about the sexual orientation of new or settled customers. Very few hate crime cases are reported on the grounds of sexual orientation. It appears that non-heterosexual customers are unwilling to state their sexuality and generally do not report anti-social behaviour or hate crime issues to Ascham Homes. We are working with the East London Out Project, London Borough of Waltham Forest and Metropolitan Police to address this issue and encourage an increased reporting of hate crime. Introductory and Demoted Tenancies are likely to have a positive impact on Gay people where cases are reported and action is taken through helping to reduce the level of hate crime.

3. Questions this assessment addresses

3.1 What kind of equality impact may there be? (Is the impact positive or negative or is there a potential for both?)

Introductory Tenancies offer the potential for both a positive and negative impact. Introductory Tenancies should have an overall positive impact on customer groups, by helping to reduce levels of anti-social behaviour, hate crime and anti social behaviour. However, there may be an adverse impact on particular customer groups simply because they are themselves more likely to be new tenants. For example, Appendix 1 shows that new tenants are more likely to fall into the younger age groups and be more ethnically diverse than the settled customer base.

Demoted Tenancies should have a positive impact on all customer groups by assisting tenants to retain their tenancy providing they abide by their tenancy terms and conditions.

3.2 How significant is the impact in terms of its nature and the number of people likely to be affected?

Ultimately, failure to comply with the conditions of an Introductory or Demoted Tenancy would lead to the loss of a tenant's home. This may then be compounded by the tenant having a poor tenancy history, making it harder for them to return to social or private housing.

If there were negative impacts, they would relate to whether or not the tenant has in practice an equal opportunity of complying with the terms of the tenancy compared to any other tenant. The key terms are refraining from anti-social behaviour and keeping up with rent payments.

The law allows fairly rapid and simple procedures for the landlord to recover possession of the property, once the tenants' behaviour has caused a relevant breach of the tenancy agreement.

In practice the number of tenants potentially affected would be made up of those who refuse to amend their behaviour and those who through no fault of their own fall foul of tenancy conditions. This second group would be made up of any tenants who are unable to understand the consequences of their actions, unable to properly defend themselves against accusations made against them or tenants who do not have the same access to standard assistance in managing their rent accounts (access to update information, the same ability to communicate to rent accounting staff and to understand letters sent to them or ability to understand and take up offers outside assistance such as debt and domestic finance advice).

3.3 Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?

The Equality Duties relating to Race, Disability and Gender will generally be supported by the introduction of Introductory Tenancies Scheme. For example, it will allow Ascham Homes to more effectively:

- promote good race relations and
- eliminate gender based harassment and harassment of disabled persons

3.4 What further information is required to better understand the impact of the proposal?

Information on the extent to which faith groups are subject to hate crime, anti social behaviour and nuisance. Further information on the impact in relation to sexual orientation may be available as a result of our work with our partners to encourage increased reporting of hate crime.

3.5 Where and how can that information be obtained?

Analysis of reported cases.

4. Action Planning Questions

4.1 What action do we need to take to reduce negative impact?

We are proposing to reduce any potential negative impact by:

- re-formulating services for new tenants to provide a single point of contact and dedicated support
- reviewing our procedures which encourage the customer to change their behaviour and maintain their tenancy
- monitoring closely the profile of customers who receive Notice To Terminate or a Demoted Tenancy
- communicating effectively the terms of Introductory Tenancies to all new tenants, support agencies and stakeholders.
- offering all tenants the opportunity to have two face to face interviews with staff, as part of the Notice To Terminate process and Demoted Tenancy Process
- offering interpretation services where we know that a customer has a non-English written or spoken language preference
- vulnerable customers with support needs will be referred to the appropriate agencies.
- data on the profile of customers served with a Notice To Terminate or Demoted Tenancy will be collected and trends monitored.
- working with Waltham Forest Credit Union to assist tenants who want to arrange loans.

4.2 If the action proposed will not fully mitigate adverse consequences for equality, or if the decision is to take no action, why is this, and can we justify it?

Ascham Homes believes that the above actions fully mitigate any potential adverse impact on customer groups.

4.3 Can any further action be taken to better promote equality of opportunity in relation to any of the equality strands?

We are currently producing:

- Introductory Tenancies Guide
- Demoted Tenancies Guide
- a New Tenants DVD and
- a Monitoring and Recording Action Database

4.4 Do you need to undertake any further consultation or research as identified in part 3 of your assessment?

See 3.4 above.

5. Conclusions and Next Steps

5.1 The key areas which were improved as a result of this assessment were:

The assessment has helped to clarify what we need to do to deliver a fair and transparent service.

6. Action Plan

Action/s required	Lead Officer	Time Scale	Comments / Outcomes
Re-formulate services for new tenants	Director of Operations	November 2009	
Review our procedures which encourages the customer to change their behaviour and maintain their tenancy	Head of Operations	November 2009	
Introducing the process of applying for Demoted Tenancies through the courts to provide similar sanctions for all tenants	Director of Operations	November 2009	
Regular report monitoring information on the profile of customers to senior managers	Head of Operations	November 2009	
Make available guides on Introductory and Demoted Tenancies in other formats	Head of Operations	November 2009	
Producing an Introductory and Demoted Tenancies Guide's	Head of Operations	November 2009	
Set up processes for tenants to request reviews.	Head of Operations	November 2009	
Making of a DVD (with other language voice-overs)	Head of Operations	November 2009	
Creating a Monitoring and Recording Action Database	Head of Operations	November 2009	
Ensure equal opportunities information is available to determine service users in terms of ethnicity and disability and is recorded on the housing system	Head of Operations	November 2009	

Appendix 1.
The Profile of Ascham Homes Settled Tenants and New Tenants

	Settled tenants	New tenants
Disability		
No	92.00%	97.40%
Yes	8.00%	2.60%
Gender		
Female	64.60%	61.42%
Male	35.40%	38.58%
Ethnicity Summary		
Black or black British	24.80%	35.64
Mixed	2.00%	3.04
Asian or Asian British	11.20%	14.19%
White	52.80%	36.49%
Other	9.20%	10.64%
Age		
	%	
16-34	22.10%	41.55%
35-54	40.80%	36.12%
55-64	12.10%	8.53%
65+	25.00%	13.80%
Faith		
Christian	15.50%	20.12%
Muslim	4.55%	14.59%
Hindu	0.32%	1.38%
Sikh	0.05%	0.15%
Buddhist	0.14%	0.15%
Jewish	0.14%	0.00%
Other or none	79.30%	63.59%