

EQUALITY IMPACT ASSESSMENT

Name of Policy/Service/Function	Ascham Homes Proposed Changes to Secure Tenancy Agreements and the introduction of Good Neighbour Agreements
Date of Assessment	February 2009
Directorate	Operations
Head of Service	Janet Wilson
Names and Roles of the people carrying out the EIA	Erhan Mestanoglu, Project Manager, Introductory Tenancies, Simon Dodds. Policy Manager
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

The existing London Borough of Waltham Forest tenancy agreement was last updated in 2002 and 2003 and was in need of revision. The Council's aim was to strengthen the anti-social behaviour clauses and produce new clauses, which would cover communal living. The Council has decided that it wishes to introduce or amend a number of clauses in the standard secure tenancy agreement. It is also considering the introduction of Good Neighbour Agreements for tenants in sheltered accommodation, which would become a part of the tenancy conditions.

The revised tenancy agreement will enable Ascham Homes to manage Council homes more effectively by addressing breaches of the tenancy agreement that are either currently not included or are not clear. The Good Neighbour Agreement will provide similar benefits for the Council in its management of sheltered accommodation for elderly or vulnerable people. Both changes will also enable tenants to be clearer about what the Council expects of them.

The proposed changes will impact on all existing and incoming tenants. Council tenants in Waltham Forest exhibit considerable diversity in all six equality strands, with especially high proportions of BME tenants and female tenants when compared to national and regional averages.

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

2.1.1 Age

The age distribution of *existing tenants* is shown below: -

Age range	
16-34	22.1%
35-54	40.8%
55-64	12.1%
65+	25.0%

The age distribution of recent *new tenants* shows substantial differences: -

Age range	
16-34	41.6%
35-54	36.1%
55-64	8.5%
65+	13.8%

However, it is not clear how the future overall age distribution of tenants will change if the composition of new tenants continues along its current trend.

A full quarter of tenants are at or above pensionable age and are more likely to be living alone than other tenants. They are also more likely to have or to develop a disability than other age groups. Loss of their ability to manage their own homes could potentially bring such people into conflict with new or amended tenancy terms.

Changes to Secure Tenancy Agreement:

The main concern is that some older people may have a reduced ability to meet some of the obligations relating to gardens and repairs. These are discussed under Disability at 2.1.2 below.

Good Neighbour Agreements:

The proposed changes are designed to support the comfort of the sheltered housing environment.

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. There are also tenants with physical or medical disabilities who are potentially affected by new obligations placed on them or new rights of action for the landlord.

Changes to Secure Tenancies:

Some clauses will require tenants to carry out physical activities, such as bringing their gardens up to an acceptable standard or moving property to allow clear access for repairs or improvements. Enforcing these clauses without consideration for the tenant's capabilities would have a negative equality impact.

The clause relating to the use of designated disabled parking spaces will allow the council to take action against tenants who abuse these important provisions.

One proposal amounts to a regularisation of the legal position relating to conducting business from a tenant's property. There is no negative impact and the inclusion of the clause would in fact alert tenants with mobility problems to the possibility of home working.

Tenants with hearing impairment may contravene the restrictions on noise levels from their televisions and other home sound equipment.

Good Neighbour Agreements:

No obvious issues arise.

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.

The great majority of lone parent households are headed by women, who also tend to be the main care providers in households with young children. In some ethnic communities such as Somalis and Manipuri the care burden on women is especially high, particularly where this is dictated by cultural norms or where men have traditionally been favoured in access to education. Recent research by Ascham Homes has shown that language difficulties can exacerbate the burden on women as carers and create difficulties accessing services even where the household includes an English-speaking male.

Changes to Secure Tenancies:

Consultation has not highlighted any issues that would have a particularly adverse impact on women as such. However, if unmitigated the blanket application of clauses could cause minor practical difficulties for female lone parents, especially where they are also attempting to maintain employment, education or training. The improved ability to deal with nuisance behaviours should in fact make the living environment safer and more comfortable for such households.

Good Neighbour Agreements:

Consultation has not highlighted any issues that would have a particularly adverse impact on women as such.

2.1.4 Ethnicity**Changes to Secure Tenancies:**

No obvious issues arise as long as language barriers that might prevent tenants from understanding their rights and responsibilities continue to be addressed.

Good Neighbour Agreements:

No obvious issues arise as long as language barriers that might prevent tenants from understanding their rights and responsibilities continue to be addressed.

2.1.5 Faith groups**Changes to Secure Tenancies:**

No obvious issues arise as long as language barriers that might prevent tenants from understanding their rights and responsibilities continue to be addressed.

Good Neighbour Agreements:

No obvious issues arise as long as language barriers that might prevent tenants from understanding their rights and responsibilities continue to be addressed.

2.1.6 Sexual orientation

We know very little about the sexual orientation of Waltham Forest tenants, as there is a general reluctance or disinterest in providing that information, even in confidence. Nevertheless, we can infer certain impacts based on case experiences and advice from expert organisations.

Changes to Secure Tenancies:

The proposed changes will extend the 'any partner' succession policy to existing tenancies granted prior to January 2003. This is a positive

impact. New or amended clauses will help Ascham Homes fight discrimination and harassment.

Good Neighbour Agreements:

No significant issues arise. New or amended clauses will help sheltered housing scheme managers fight discrimination and harassment.

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?)

Both the proposed tenancy changes and the Good Neighbour Agreement should have an overall positive impact on customer groups, by helping to reduce levels of anti-social behaviour, hate crime and anti-social behaviour and improve the experience of communal living.

Changes to Secure Tenancies:

It is completely appropriate and necessary for the landlord to reserve fair and robust rights of action against detrimental actions or inactions on the part of its tenants. The potential negative impacts identified above would take effect only if Ascham Homes or the Council did not take a flexible and sensitive approach to the enforcement of certain clauses, with a clear focus on sustaining tenancies and equality of service.

Good Neighbour Agreements:

There is some evidence of a conflict of preferences between older people and other vulnerable people (particularly people with substance abuse problems) sharing sheltered housing schemes. The new tenancy conditions would increase the Council's ability to resolve or minimise these conflicts.

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

As discussed at 3.1 above, arrangements already exist to address any significant equality issues.

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 variation of tenancies and the Good Neighbour Agreement. For example, they will allow Ascham Homes to more effectively:

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

If unmitigated, the clause requiring tenants to move property or lift floor coverings in preparation for repair work would amount to a barrier to receiving a service to some if it was enforced in a blanket fashion. This could contravene the requirements of the Disability Discrimination Act. However, the practices of the repair partners mean that no service is likely to be withheld for any failure of disabled tenants to comply with the clause.

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

Consultation has been thorough and inclusive and any equality impacts identified by either tenant comments or staff challenge have been considered in this assessment. At this time there is no clear need for further information. However this will be reconsidered in the post-implementation review six months after the new policies are put into effect

3.5 Where and how can that information be obtained?

Not applicable.

4. Action Planning Questions

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

Capacity to shape services according to need already exists in the key areas of concern. Further action should focus on ensuring that this capacity can be applied in all instances. Our action plan emphasise maximising the relevant information we hold about individual tenants so that both services and enforcement actions can be shaped appropriately.

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 negative impact on diverse tenants.

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

It is always preferable that tenants should be able to amend their behaviours or seek relevant support or concessions before any need to

take enforcement actions arises. Similarly, the service provider should be able to cater for diverse needs without unnecessary delays, additional burdens on the tenant or loss of service quality. The action plan at Section 6 below aims to ensure that these circumstances are achieved.

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	<p>We have entered into an arrangement and are working closely with the Waltham Forest Credit Union who offers low cost loans; this will assist any new tenant wishing to arrange a loan.</p> <p>Disabled customers with support needs will be referred to the Tenant Support and Resettlement Team, and other agencies as applicable.</p> <p>Additional support is provided to new female tenants by Ascham Homes and the Council's Resettlement and Support Team.</p> <p>Ascham Homes offers interpretation services where we know that a customer has a non-English written or spoken language preference.</p>
Review procedures that encourage the customer to change	Director of Operations	November 2009	During the sign up process, the new tenant is explained the basic of Introductory Tenancies to what

a behaviour that would otherwise breach new or amended tenancy clauses and threaten their tenure			happens if a Notice of Possession Proceedings is served for Rent arrears or Anti-Social Behaviour. Tenancy Services Officers also visit these tenants within 6 weeks of moving in and ensuring that the tenant fully understands what is expected from them and from the Council. We have also communicated effectively the terms of Introductory Tenancies to our support agencies and stakeholders.
Regular report monitoring information on the profile of customers to senior managers	Head of Operations	November 2009	There is a monthly report produced on monitoring the customers' profile. This is the data on the profile of customers served with a Notice To Terminate (now known as Notice of Possession Proceedings) or Demoted Tenancy will be collected and trends monitored.
Creating a Monitoring and Recording Action Database	Head of Operations	November 2009	This database has not been created to avoid duplication of systems. Instead, there is a monthly report produced on monitoring and recoding of tenancy cases.
Ensure equal opportunities information is available to determine service users in terms of ethnicity and disability and is recorded on the housing system	Director of Operations	November 2009	We closely monitor the profile of customers who receive Notices for Introductory Tenancies and Demoted Tenancies on a monthly basis.
Maximise the number of tenants on whom we hold self-declared equality information	Director of Operations	November 2009	Vinita P.
Widen our understanding of the nature of tenant disabilities so that	Director of Operations	November 2009	Vinita P.

<p>this information can be acted on in service planning and delivery</p>			
<p>Ensure that partnering arrangement for repairs and maintenance allow a different level of response, according to the tenant's needs, and without affecting the quality of service or speed of delivery</p>	<p>Director of Property and Investment</p>	<p>November 2009</p>	<p>John L.</p>
<p>Use community facilitators to ensure that 'hard to hear' tenants have a good and understanding of tenancy rights and obligations and can access relevant support</p>	<p>Director of Operations</p>	<p>November 2009</p>	<p>We were unable to recruit Community Facilitators at the time of this report. However, we now have sufficient Community Facilitators in place. Prior to the sign up process, the tenant/s are informed if they can bring a translator with them. Where this is not possible, thebigword Group interpretation and Community Facilitators are available.</p> <p>New tenants receive a copy of our 'Welcome to your new home' DVD (with five language voice-overs), which takes them through their requirements of being a tenant and what to do if they need assistance.</p> <p>This is a comprehensive DVD which explains the tenants' tenancy rights and obligations in 5 voice-over community languages. Sub-titles for English speakers have also been made available.</p>