

TENANCY STRATEGY & TENANCY POLICY EQUALITY IMPACT ASSESSMENT

1. Purpose of The Tenancy Strategy & Tenancy Policy

The Localism Act states that all Local Authorities must have to have a Tenancy Strategy in place by 15th January 2013. The government has given social housing providers greater flexibility over the types of tenancies they can offer, allowing them to respond more creatively to the housing needs of their local communities and particular circumstances.

To meet our desired outcomes our Tenancy Strategy/Policy aims to;

- Ensure that the social housing stock in the borough is used as effectively as possible to provide homes for Northampton's residents in housing need who are unable to secure a home for themselves in the private sector.
- Encourage tenants to take control of their lives by providing support when it is needed in a time of crisis and help them to move into market housing once their situation has improved.

The Tenancy Strategy is intended to provide guidance on tenancies to offer to social housing providers with housing stock in Northampton. An accompanying Tenancy Policy has been produced which provides guidance to the public and partners on how the council will manage their stock in the borough. The aim is to frame consistent policies on granting and renewing tenancies across the borough. Both documents are designed to provide transparency, allowing local people to understand clearly how their council and local private registered providers (PRPs) will respond to the housing needs and priorities of the communities they serve.

Currently demand for social housing outstrips supply. There are approximately 954 lettings predicted for 2012/13, even with the changes to the Allocations Scheme, there will be approximately 5,000 people on the housing register awaiting social housing. In determining the Tenancy Strategy and Tenancy Policy, the Council has to balance the needs of all sectors of its community whilst trying to meet the needs of the individual. The Council now faces limited supply of affordable housing, increasing unemployment and the possible increases in homelessness.

The main objective of both documents is to ensure that the social housing stock in the borough is used as effectively as possible to provide homes for Northampton's residents in housing need who are unable to secure a home for themselves in the private sector.

The Council will seek to encourage tenants to take control of their lives by providing support when it is needed in a time of crisis and help them to move into market housing once their situation has improved.

In summary Northampton's Tenancy Strategy and Tenancy Policy will detail:

- What kind of tenancies to offer and what the council will offer
- Circumstances in which the landlord will grant a tenancy of a particular kind
- Where a tenancy is set for a term, the length of that term
- Circumstances where the landlord will grant a further tenancy on the ending of the existing tenancy.
- Reviewing a tenancy at the end of a fixed term.
- Help when a tenancy ends

- How to review the decision if the landlord does not renew the tenancy or the tenant do not accept the offer of accommodation.

2. What Are The Changes?

Currently, once an applicant on the housing register is allocated accommodation they are granted an introductory tenancy for 12 months. Providing they adhere to the terms of their tenancy agreement, once this probationary period has elapsed, the tenant is granted a secure lifetime tenancy.

Based on research on best practice, the Tenancy Strategy introduces fixed term tenancies based on the applicant's circumstances, following on from the initial introductory tenancy.

The Tenancy Strategy and Tenancy Policy state that the Council will in most circumstances offer initial five year fixed term tenancies (except to those over state retirement age and Mobility Level 1 & 2) and then undertake reviews, assessing whether a further tenancy should be offered (of either the same property or of a home that meets the tenants housing needs at that time). This will provide some stability for all households whilst also ensuring that the best use is made of the Council's housing stock to meet local housing needs.

The Council will in exceptional circumstances grant two year tenancies linked to promoting employment and positive behaviours the terms and review mechanisms will be the same as those for a five year tenancy. Specific examples of exceptional circumstances laid out in the tenancy strategy and policy include:-

- Extension of an introductory tenancy due to Anti-Social Behaviour (ASB)
- Where the household is overcrowded but there is no alternative accommodation
- Where the property is in an area where shorter tenancies would tackle ASB
- Where the tenant has been issued with a Notice of Seeking Possession but the payment plan has been maintained

Existing tenants who move to another social rented home will be granted a tenancy with no less security of tenure when they move. If an existing tenant chooses to move to an affordable rented property, they may have to pay a higher rent. Succession rights for tenancies created from 1st April 2012 flexible and fixed term tenancies and new secure tenancies will depend on whether the landlord has decided to include any discretionary succession rights in the tenancy agreement.

In accordance with the Tenancy Policy the council proposes to review each tenancy before the end of a fixed term, to determine whether the tenancy will be re-issued or brought to an end. The Council intend to carry out these reviews 12 months before the end of the tenancy term. Full details of the review process are set out in the council's operational manual.

Private registered providers (PRPs) will be responsible for reviewing their tenancies in line with their published tenancy policies.

Unless there has been a change in circumstances, the Council recommends that a tenancy should be re-issued for a further fixed term. Registered providers should be alert to detect whether a tenant has contrived circumstances to appear superficially to meet any requirements for a renewal of a tenancy

An applicant can request a review of their offer of accommodation on a flexible tenancy, within 21 days of receiving it. The prospective landlord must notify the applicant of the decision and give clear reasons for reaching such a decision.

A tenant has the right to request a review of the decision not to re-issue a tenancy within 21 days of receiving the prescribed notice (issued 6 months prior to the end of the existing tenancy). The Council and private registered provider (PRP) will be expected to publish their procedures for dealing with reviews and the appeals process within their tenancy policies.

The Strategy and Policy outlines specific circumstances whereby a tenancy may not be renewed on review. These include where:-

- The property is under occupied
- There are changes to household make-up or household income (current thresholds have been set in line with the Allocations Scheme. These are £30,000 income for a single person or £50,000 for a couple or £16,000 savings/assets for single person or £32,000 savings/assets for a couple.
- The property is no longer suitable I.e. adapted property no longer suitable for tenants needs
- The tenant and/or advocate do not engage in review process
- Possession proceedings have commenced
- The Authority wishes to dispose or refurbish the property

3. Sources of Data Analysis

Office of National Statistics: Census Data 2001

Office of National Statistics: Census Data 2001

Consultation Questionnaire Profiling Data

Composition of Housing Needs Register @ August 2012

Analysis of The Housing Register @ October 2012.(After adjustment for the new Allocations Policy)

<u>BAND</u>	<u>No. of applicants left in band (after policy changes)</u>	<u>No. of council tenants left in band (after policy changes)</u>	<u>No. of applicants aged 65+ left in band (after policy changes)</u>	<u>No. of applicants with Mob L 1 & 2 left in band (after policy changes)</u>	<u>No. of applicants (by at least 1 bed) left in band (after policy changes)</u>
EMERGENCY	407	96	38	33	161
A	331	79	15	41	119
B	2207	20	74	46	1017
Total	2945	295	127	120	1297

4. Consultation and Engagement Programme

The consultation framework for the Tenancy Strategy and Tenancy Policy ran for 16 weeks from 3rd July 2012 to the 24th October 2012 and consisted of the following activities:-

- All customers on the Housing Register received a letter relating to the consultation. This letter was distributed to 10,000 tenants.
- 37 drop-in surgeries were conducted at the Guildhall and at various sheltered housing scheme community rooms across Northampton over the 16 week consultation period.
- Drop in surgeries were conducted in the Northampton town centre outside market on 2 Saturday mornings in July and in September.
- Drop in surgeries were conducted at various libraries and the Weston Favell shopping centre
- Two Councillor briefings were held and consultative feedback was noted.
- All stakeholders received a copy of the consultation questionnaire to complete.
- Presentations were given to Registered Social Landlords at the RP Forum and participants were encouraged to complete the questionnaire.
- Presentations were given to the Diversity Forum, Disabled Persons Forum, the Lesbian, Gay and Bisexual Forum, the Pensioners Forum and the Homelessness Forum.
- The questionnaire and information pack including Frequently Asked Questions were placed on the web site to allow all customers access to the consultation.
- Press releases were issued to the local press relating to the consultation framework.
- Radio interviews were conducted by the Cabinet Member for Housing advising the wider community of the proposed Tenancy Strategy.
- Employees of Landlord Services were consulted
- A stall was held at The Tenant's Open Day exhibiting the proposed Tenancy Strategy.
- Presentations were given to residents at all 4 Area Tenant and Leaseholder Forum Meetings.
- Articles appeared in the My Home tenants' magazine advising customers of the proposed Tenancy Strategy and advertising the consultation.

- All email correspondence from NBC Housing staff invited people to take part in the consultation
- A dedicated telephone number and email address were made available to improve access
- One Stop Shop Floor Walkers invited customers to fill out questionnaires and assisted customers with the completion, where necessary.

Throughout the consultation period the Council collected profiling information on respondents to ensure all groups' views were represented. Half way through the consultation period profiling data relating to responses was collated and where gaps were identified we took steps to contact certain groups and individuals to ask their views. A list of all stakeholders contacted is available as Appendix 1.

5. Consultation Results

The Consultation process used an electronic questionnaire, comprising of 10 main questions on key issues within the strategy. 595 questionnaires were returned and a summary of responses received are detailed below (nb although 595 surveys were received, some questions were either not answered or respondent selected did not know option :-

Question Asked	Agreed		Disagreed	
	(%)	Number	(%)	Number
(Q2) – Should a Tenancy be renewed if no change in circumstances	80.6	203	10.7	27
(Q3) – Do you agree with Tenancy Length for Older People (Lifetime)	96.1	246	2.0	5
(Q3) – Do you agree with Tenancy Length for Disabled Households (Lifetime)	94.1	238	4.4	11
(Q3) – Do you agree with Tenancy Length for Family Households (5 Year FTT)	75.0	192	21.8	56
(Q3) – Do you agree with Tenancy Length for Single & Couple households without children (5 Year FTT)	70.5	180	25.1	64
(Q4) – Do you agree with Tenancy Length of less than 5 years (Exceptional Circumstances)	83.5	213	12.2	31
(Q5) – Do you agree with Circumstances for Non-Renewal of FTT	73.0	187	19.1	49
(Q6) – Do you agree with Financial Thresholds	82.2	208	13.5	34
(Q7) – Do you agree with Encouraging Social Housing Providers to provide Social Rents not Affordable Rents on larger homes	74.9	185	7.7	19
(Q8) – Do you agree with Discretionary Succession Rights	75.5	185	19.2	47

6. Consultation Findings

The results show a 95% confidence level and a 3.9% error level. This means the council can be 95% certain that if all customers on the housing register completed the questionnaire that they would show a similar set of results.

The answers given by residents with certain 'protected characteristics' and from minority groups were cross tabulated.

Within some groups a higher percentage of that group disagreed with particular statements or proposed changes. For some of these groups, the collection sample was small and, therefore, this makes it difficult to make a judgement as to whether the strategy would be discriminatory. (Please see appendix 1)

During the consultation the council tried to ensure responses were representative of the ethnic and age make-up of both the Housing Register and the 2001 census profile for Northampton. This was achieved for all groups except the under 20's. In the light of this we propose that we will monitor the impact on this group closely.

Until the tenancy strategy and tenancy policy are in place and being monitored it will not be possible to know its full impact. Therefore the council will introduce robust monitoring systems to ensure adverse trends are monitored, thoroughly investigated and acted upon. This data will be reviewed yearly.

However, based on the above information and using the evidence and intelligence available (including an analysis of responses by protected characteristic – see Appendix 2), the following details the main risks and opportunities identified, by protected characteristic:-

Age (including children, youth, midlife and older people)

It was highlighted that NBC received a disproportional response rate from the under 20's age group. Therefore this group, in particular, will be monitored for any adverse impact. However it should be noted that an analysis of the Housing Register (see Section 3) revealed that only 18% of applicants were aged 20 and under.

According to the analysis of the Housing Register (see Section 3), 4.3% (127 out of 2945) of applicants are aged 65 and over. Therefore it can be seen that only a small percentage of the register are aged over 65 and the Tenancy Strategy states that all applicants over state retirement age will continue to be granted lifetime tenancies which will give older tenants security of tenure.

Disability

The analysis of the Housing Register revealed that 4.1% of the Housing Register meet mobility levels 1 and 2, which is a small percentage. Impact to this group will remain unchanged as they will continue to be granted lifetime tenancies.

Consultation revealed strong support for lifetime tenancies for applicants meeting mobility levels 1 and 2. All respondents with a disability agreed or strongly agreed with the proposed changes and 94.1% of the 249 customers who responded agreed to lifetime tenancies for the disabled. By granting lifetime tenancies this will ensure that disabled tenants have security of tenure on properties that are suitable for their needs.

Race

Appendix 2 details an analysis of responses by race. It is noted that whilst some ethnic groups reported dissatisfaction with elements of the strategy (in particular 5 year tenancies for single and two person households and circumstances where a fixed term tenancy would not be reviewed) it is noted that the number of adverse responses were very small. Overall 70% of those who answered the question supported the proposal for 5 year tenancies for single and two person households and 73% agreed with the circumstances in which a tenancy would not be renewed.

An opportunity identified was that the strategy is also likely to afford protection to applicant households with larger families on low incomes which is more likely to occur in black and minority ethnic communities, which was identified within our 2010 BME Housing Strategy.

Customer feedback information and satisfaction should offer an opportunity to check whether ethnicity race is a factor or barrier in accessing services. In addition, the availability of translation services will reduce barriers for potential customers to understand our decisions and review process.

Gender or Gender Identity/Gender Assignment

From the questionnaire results no gender related issues were raised and no specific risks or opportunities in relation to gender were identified.

Sexual Orientation

Of the 595 responses to the consultation, only 3 were received from gay men, 3 were received from lesbians and 2 responses were received from transgender customers (see Appendix 2) which are small numbers.

2 of the 3 responses from gay men and lesbians did not agree with 5 year tenancies for family households or one or two person households. 1 out of the 2 transgender responses did agree with 5 year tenancies for families or one or person households either. However, overall, 75% of respondents were in favour of 5 year tenancies for families and 70% were in favour of the same for one or two person households.

Whilst the % of negative responses from gay, lesbian and transgender responders is high, the actual numbers are very small in comparison to those in favour. As only a small percentage of applicants are gay, lesbian or transgender, it is not perceived that there are any specific risks or opportunities in relation to sexual orientation.

Marriage and Civil Partnership

No negative comments were identified in the consultation. As with all groups with protected characteristics, a robust monitoring system will be introduced to determine the impact of the tenancy strategy and to closely review this for any adverse trends.

Religion, Faith and Belief

Appendix 2 details an analysis of responses by religion and belief. It is noted that whilst some groups reported dissatisfaction with elements of the strategy (in particular circumstances for non-renewal and discretionary rights to family members) it is noted that the actual number of adverse responses were very small (see Appendix 2). Overall 73% of those who answered the question supported the reasons for non-renewal and 75.5% were in agreement with the discretionary rights proposed.

Pregnancy and Maternity (including breastfeeding)

From the questionnaire results and knowledge no issues relating to pregnancy and maternity were raised and no specific risks or opportunities in relation to this were identified.

Whilst information on pregnancy was not collected in the consultation, it should be noted that a customer will be allocated housing on their individual need, in which pregnancy will be

taken into account. As part of the annual review process this will be monitored closely for any adverse trends.

Consultees were asked a number of open questions and the findings and the council's response are summarised below:-

Question 6 – If you do not agree with the financial thresholds, what thresholds do you propose?		
FEEDBACK	RESPONSE	ACTION
14 responses felt the limits were too high	Financial thresholds have been set in line with the revised Allocations Scheme.	None necessary, although reasons for unsuccessful applications will be monitored.
14 responses felt the limits were too low	Financial thresholds have been set in line with the revised Allocations Scheme. If the income threshold does become an issue as part of the 12 month review period, we will consider the impacts and make necessary changes in required.	None necessary, although reasons for unsuccessful applications will be monitored.
9 consultees felt there should be no thresholds	The aim is to ensure that social housing is used by those in most need, which includes those who cannot access other forms of market housing for financial reasons. Therefore it is important to determine thresholds.	None necessary
FEEDBACK	RESPONSE	ACTION
10 respondees felt that other factors and the fact that each households circumstances were different (e.g. the size of the household, the age of the tenants and type of job they held etc) should be taken into account	The Circumstances for no-renewal, and the exceptional circumstances have been taken from best practice and guidance issued by the Chartered Institute of Housing (CIH). This criteria is not exhaustive, however if there are concerns for certain circumstances as part of the 12 month review period and when tenancies are reviewed in 5 years' time, we will look to change the policy if there are actual negative impacts on certain households.	None necessary

Question 9 – What impact will the strategy have on you?		
FEEDBACK	RESPONSE	ACTION
15 respondees felt the strategy would have a positive impact with 5 believing that it would reduce waiting times and 3 believing it would improve tenant behaviour	This accords with the intention of the strategy	None necessary
21 customers felt the strategy would have a negative impact. Main reasons given were criteria would prevent them accessing social housing, 6 felt the fixed term tenancies generated insecurity and several believed that it would make it more difficult to access properties.	It is accepted that the strategy will restrict access to social housing, however the main purpose of the strategy is to maximise use of existing stock which outstrips demand, and therefore must be restricted to those in most need with no other housing options available to them.	None necessary
48 responders felt that the strategy would not impact on them and 12 did not know what the impact would be	Noted	None necessary
Question 10 – Do you think the strategy will have a disproportionate (positive or negative) impact on any particular group or individual?		
FEEDBACK	RESPONSE	ACTION
17 respondees believed the strategy would have a positive impact – main reasons given were that it would assist with dealing with ASB, would give the elderly and disabled security and would free up housing.	Positive impact acknowledged by respondees correspondence with the intentions of the strategy.	None necessary
FEEDBACK	RESPONSE	ACTION
23 customers believed the strategy would have a negative impact. The main reasons given were that it would penalise single people and families and does not support the mentally disabled or vulnerable,	Housing will be used to support those in need at the time of need. Families with children of school age will have their tenancies renewed, to ensure stability, providing they do not meet the criteria for non-renewal. With regard to mental disability and vulnerability (which may change during a customer's lifetime)	None necessary, although reasons for refusal will be closely monitored.

	support and housing will be given whilst the customer needs this.	
13 respondees did not know what impact the strategy would have.	Noted.	None necessary

7. Our Recommendations

In March 2014 the Council will undertake a first year review to establish the impacts on certain groups, particularly the under 20s. This will be a full review studying the demographic trends of people who have been granted a tenancy, those who were not, plus tenants offered housing at affordable rent. The review will be repeated annually.

In year five a review of tenancy terminations and extensions will be undertaken. Once this data has been gathered an informed decision can be made about any discriminatory effects. If the Council notes any negative impact on the protected characteristics a full EIA will be carried out to investigate and create actions to mitigate against this in the future.