

Equality Analysis

Proposed policy/decision/business plan to which this equality analysis relates	Housing Allocation Policy
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Brief Description of policy/decision/business plan

Under s166A of the Housing Act 1996 (as amended) New Forest District Council is required to produce a housing allocation scheme which sets out details on how housing applications will be assessed, processed and how decisions will be made.

The demand for social housing within the Council's district far outweighs the supply. The government expects that social housing should go to people who genuinely need it; including those that the government has identified with high levels of assessed housing need who are referred to as the "reasonable preference group"¹, but also expects that the Council be given the freedom to meet local priorities.

The aims and objectives of the Council's housing allocation policy is:

To ensure the allocation of social housing in a fair and transparent manner, with the aim of using the Council's scarce housing resources appropriately, and in particular, to enable the Council to meet:

- a. Its prevention and homelessness statutory duties;
- b. the housing needs of those that are most vulnerable;
- c. the need to allocate housing with reference to the prevailing housing conditions and needs within its district; and
- d. its statutory obligations as set out in Part VI of the Housing Act 1996;

¹ Includes statutory homeless applicants, owed duties under homelessness legislation, are occupying insanitary or otherwise living in unsatisfactory housing conditions, those who need to move on medical or welfare grounds (including disability) and those who need to move to a particular locality within the district where failure to do so would cause hardship (to themselves or others).

Relevant Data, Research

The Council has used the data available from its current housing register as set out in the table below to assess the impact of the proposed changes to the Council's Allocation's Policy on those with a protected characteristic.

As at the 8th March 2019, there were 3239 households registered on the Council's housing register. Of those the following information is known:

Age Groups	Numbers
40+	70
45+	266
55+	153
60+	175
65+	398

Ethnic Groups	Numbers
African	14
Asian	12
British White Anglo	3027
Caribbean	2
European	57
Irish	2
Middle Eastern	2
Mixed	4
Oriental	7
Non White (Other)	135

Household Make Up	Numbers
Single Parent Families	685

The Council is committed to ensuring that it monitors its compliance with its duties under the Equality Act 2010; in particular, it notes that there is a need to ensure that data is collected to enable the Council to identify how the provisions within its allocation policy is impacting on certain protected characteristic groups, particularly by gender, those with disabilities and specific BME categories not restricted to colour. Periodic reviews with updated data will be required after the proposed new Allocation Policy is adopted.

Equality Analysis

In assessing the potential equality implications, the Council will consider the impacts (both positive and negative) on the groups with protected characteristics and any mitigating actions to be taken, or where appropriate, the reason why a provision is the most proportionate means of achieving the Council's objectives.

Age:

Where this is referred to, it refers to a person belonging to a particular age (ie 35 year olds) or range of ages (ie 18-30 year olds)

Potential Impacts (positive and negative) of proposed policy/decision/business plan

Whilst the main proposed changes to the Council's Allocations Policy are likely to have a neutral impact on this protected characteristic group, the introduction of an online application process may have an impact on older applicants.

Further, whilst not a change, the Council recognises that the Incentive to Work provisions are likely to have an impact on both older and younger applicants.

- Online Application Process: In 2018, whilst almost all adults aged 16 - 34 and were recent internet users (99%)², it is recognised that those aged 75+ are not regular internet users (only 44%)³; however, in 2018 statistics from the Office of National Statistics show that there has been an increase in internet use by those who are aged 65-74 to 80% in 2018⁴. This shows a steady increase of internet use for those aged 65+. Applicants aged 65+ represent 12% of applicants on the Council's housing register.
- Incentive to Work: It is accepted that some older applicants will be unable to satisfy the Incentive to Work provisions; However, many older people are now working beyond retirement age and further the Incentive to Work provision recognises community contribution, for example voluntary work in which older people will be able to equally participate. There is currently a decline in youth unemployment rates down to 464,000 for those aged 16 -24 in June – August 2018⁵; however, it is recognised that this group may also be negatively impacted by the Incentive to Work provisions.

Mitigating Actions to be Taken and/or Justification

- Online Application Process – the Council's objective in this provision is to provide for the efficient processing of applications for housing within its district area. There is an indication that elderly applicants who are aged 75+ will likely have the least access to internet facilities; however, the Council notes that this age group will likely be seeking extra care housing and will have support in place to ensure that online applications can be made. Furthermore, the Council has installed computers in both its main and satellite offices to provide for greater access to internet facilities. There are also free internet facilities in libraries and most elderly applicants will likely to have family or other support in place to assist them in making applications. The Council Housing Options teams contact details are accessible to members of the public and on the Allocation Policy and can be contacted for support or referral to a support agency, such as Age UK who provide significant support to elderly applicants. Finally, the Council recognises the need to monitor applications being made, and if necessary, will ensure that appropriate steps are taken if there is evidence of a decline in representation of applications from those in these age groups as compared to the current representation.

² <https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2018>

³ Ibid

⁴ Ibid

⁵ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05871>

(Protected Characteristic: Age) Mitigating Actions to be Taken and/or Justification (continued)

- Incentive to Work: The government has made clear that it wishes local authorities to provide incentives for applicants to work or make a positive contribution to the local community.⁶ The Council has introduced this provision to achieve this objective and whilst it recognises that there might be a negative impact on certain age groups (the young and the elderly) it considers that this initiative is the least intrusive and strikes the most proportionate balance between the objective identified and the need to avoid adverse impacts on those with this particular protected characteristic. The Council will continue to collect data to monitor how this provision is impacting on those in this protected characteristic group and make appropriate changes if necessary.

Disability:

A person has a disability if s/he has physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Potential Impacts (positive and negative) of proposed policy/decision/business plan

The Council already takes steps to ensure that when an applicant registers to join its scheme they are given an opportunity to specify any disability needs and requirements for particular housing. Through the Council's choice based bidding process, vacancies are described in sufficient detail to enable those with a disability to make informed decisions so that they bid for those properties that are best suited for their needs. Where appropriate the Council also makes direct offers to ensure that adapted properties are allocated to those with disability needs.

The Council recognises that it will need to ensure that data is collected to enable it to provide better monitoring of how its policies are impacting on those who have the protected characteristic of disability.

The Council acknowledges that some of its measures will have a negative impact on those who have a disability as follows:

- Online Application Process: Whilst there is likely to be a neutral impact on those with a physical health disability (as they will still be able to access internet facilities at home and in public spaces (library and at the Council offices) it is likely that there will be a negative impact on those with mental health disabilities.
- Incentive to Work: There are an estimated 3.8 million people of working age (16-64) with disabilities in employment. In April – June 2018, an employment rate of 50.7%. The employment rate of people without disabilities is 81.1%. During that period, people with a disability had an unemployment rate of 8.8% as compared with 3.4% of people without disabilities⁷. In light of this

⁶ Paragraph 4.27 of the Allocation of Accommodation: Guidance for Local Housing Authorities in England.

⁷ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7540>

(Protected Characteristic: Disability) Potential Impacts (positive and negative) of proposed policy/decision/business plan (continued)

information, it is likely that the Incentive to Work provisions will have an adverse impact on those with a disability. However, the Incentive to Work provisions do recognise community contribution, for example by voluntary work which would enable those with disabilities to take advantage of this provision. It is recognised that those with mental health issues are often encouraged to take up voluntary work⁸.

Suitable Accommodation: Those with disabilities will more likely require specific accommodation that adequately takes into consideration their disability needs. General needs accommodation may need to be adapted to make it suitable for those with disability needs.

Mitigating Actions to be Taken and/or Justification

- Online Application Process: Online applications are a means by which the Council can ensure the efficient management of applications for those seeking to join the Council's housing register. The Council provides contact details for the Housing Options team on the Housing Allocation Policy and partner agencies, such as the Citizens Advice Bureau also have access to the Council's contact details. The Housing Options team can provide assistance to those who have no alternative means of accessing the applications online and/or refer applicants to an advice agency, such as Two Saints, and where appropriate, advocacy services through Solent Mind.

- Incentive to Work - The government has made clear that it wishes local authorities to provide incentives for applicants to work or make a positive contribution to the local community. The Council has introduced this provision to achieve this objective and whilst it recognises that there might be a negative impact on those with a disability, it is considered that by ensuring that this provision can be satisfied by those who are making a community contribution, for example by voluntary work, it is striking a proportionate balance between its identified objective and minimising the adverse impact on those with this protected characteristic. The Council also recognises that it will need to monitor the number of applicants on its housing register who are disabled and who qualify for this provision and where appropriate make changes as may be required to minimise an adverse impact on them.

Suitable Accommodation: The Council employs an occupational therapist who, where appropriate, will inspect the suitability of accommodation when an allocation is made. Furthermore, the Council prioritises applicants who have a disability for specific types of properties, such as adapted properties and bungalows. It will also make direct offers where appropriate to ensure that these properties go to those who have most need for them.

Gender Reassignment

The process of transitioning from one gender to another.

Potential Impacts (positive and negative) of proposed policy/decision/business plan

Whilst the policy changes will have a neutral impact on this protected characteristic group, the Council recognises that its Incentive to Work may have an impact on transgender applicants.

⁸ <https://www.nhs.uk/conditions/stress-anxiety-depression/give-for-mental-wellbeing/>

Potential Impacts (positive and negative) of proposed policy/decision/business plan (continued)

- Incentive to Work – It is recognised that transgender applicants are particularly at risk of housing crisis and homelessness arising from transphobic reaction by family, neighbours and members of the community. This may make it difficult for them to obtain work or undertake formal voluntary work.

Mitigating Actions to be Taken and/or Justification

- Incentive to Work - The government has made clear that it wishes local authorities to provide incentives for applicants to work or make a positive contribution to the local community. The Council has introduced this provision to achieve this objective. Further, applicants who are made homeless through a hate crime can be placed within the higher bands of the allocation scheme, thus improving their prospects of rehousing without the need to be engaged in work, whether voluntary or otherwise.

Marriage and Civil Partnership

Marriage and civil partnership is the legal recognition of a relationship.

Potential Impacts (positive and negative) of proposed policy/decision/business plan

There are no specific issues that it is believed would discriminate or disadvantage married couples or those in a civil partnership.

Mitigating Actions to be Taken and/or Justification

None identified, however, it is recognised that continued monitoring will need to be undertaken to ensure there are no adverse impacts on those in this protected characteristic group.

Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Potential Impacts (positive and negative) of proposed policy/decision/business plan

The Council do not take into consideration unborn children which may impact on applicant's ability to be considered for larger sized properties during their pregnancy.

Mitigating Actions to be Taken and/or Justification

Whilst it is recognised that pregnant women may feel disadvantaged by the Council's policy to not take into consideration unborn children, the Council's objective in doing this is to ensure that it is able to effectively manage its stock given the demand on family sized accommodation and also to ensure compliance with the Welfare Reform Act 2012⁹, to avoid affordability issues for under- occupiers.

⁹ Paragraph 4.22 of the Allocation of accommodation: guidance for local housing authorities in England.

Race:

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour and nationality (including citizenship), ethnic or national origins.

Potential Impacts (positive and negative) of proposed policy/decision/business plan

Whilst the main proposed changes to the Council's Allocations Policy are likely to have a neutral impact on this protected characteristic group, the local connection provisions may have an impact on those of certain ethnic groups, including members of any BME groups, particularly blacks, Indian, EEA nationals and travellers.

From the 2011 Census, 97% of the Council's residents were within the "White British" ethnic group. Of other residents, 0.2% identified as being from the Gypsy or Irish Traveller community, 0.9% as being of a mixed ethnicity, 0.9% as Asian British and 0.3% as being Black British¹⁰. It is recognised that in particular travellers as part of their cultural identity need to have free movement and the local connection provisions will have an impact on those in this particular group. The majority of residents in the District were born within the UK (94%) with only a minority born outside the UK: 2.1% born in Europe, 1.3% in the Middle East, 1.1% in Africa and 0.8% in The Americas, the Caribbean and Oceania¹¹; suggesting that some BME residents might have moved to the District from abroad and be affected by the local connection criteria. The Council also recognises that those who have had to flee their own country of origins and seek asylum in the United Kingdom will be impacted by the Council's local connection provisions.

Mitigating Actions to be Taken and/or Justification

- **Local connection:** The Council has set 2 years or 10 years previously as its local connection criteria for residence. However, it also recognises employment within the Council's district and has set exceptions to those who will have to satisfy the local connection criteria. The Council's approach is a proportionate means of enabling the Council to achieve the objective of promoting local priorities when allocating social housing within its district whilst minimising negative impacts on those who have these protected characteristic. Furthermore, the Council has a residual discretion as set out in the policy to enable it to dispense with any of the provisions of the policy in exceptional circumstances, and in particular, where failing to do so would be in breach of the Council's duties as contained in the Equality Act 2010. Accordingly, when making decisions as to whether discretion should be exercised, the Council will be focused on the need to ensure compliance with its duties under the Equality Act 2010 to those who fall within these protected characteristic groups. It is recognised that continued monitoring will need to be undertaken to ensure there are no adverse impacts on those in these protected characteristic group. In particular, better data will need to be collected from applicants to monitor the impact of the local connection provisions on those with these protected characteristics.

¹⁰ https://www.nomisweb.co.uk/reports/localarea?compare=E07000091#section_6_4

¹¹ http://www3.hants.gov.uk/2011_census_new_forest_summary_factsheet.pdf

Sex:

A man or a woman.

Potential Impacts (positive and negative) of proposed policy/decision/business plan

Gender is an issue in relation to economic status with women being adversely impacted. Generally, women experience lower levels of economic activity than man.

The local connection provisions may also impact on women who are more likely to be fleeing domestic abuse and therefore not be able to satisfy the Council's criteria.

Mitigating Actions to be Taken and/or Justification

- Incentive to Work: The government has made clear that it wishes local authorities to provide incentives for applicants to work or make a positive contribution to the local community. The Council has introduced this provision to achieve this objective and whilst it is recognised that there might be a negative impact on women who are not working (for example because of childcare reasons); it is noted that there has been an increase in women in work for the last 40 years¹². The Council also recognises local community contribution which women would also have the ability to participate in, for example volunteering in schools. Further, it considers that this initiative strikes the most proportionate and least intrusive measure to strike a balance between the objective identified and the need to avoid adverse impacts on those with this particular protected characteristic.
- Local Connection: The Council has set 2 years or 10 years in the past as its local connection criteria for residence. However, it also recognises employment within the Council's district and has set exceptions to those who will have to satisfy the local connection criteria; including for those owed duties under Part VII of the Housing Act 1996. The Council's approach is a proportionate means of enabling the Council to achieve the objective of promoting local priorities when allocating social housing within its district whilst minimising negative impacts on those who have this protected characteristic. Furthermore, the Council has a residual discretion as set out in the policy to enable it to dispense with any of the provisions of the policy in exceptional circumstances, and in particular, where failing to do so would be in breach of the Council's duties as contained in the Equality Act 2010. Accordingly, when making decisions as to whether discretion should be exercised, the Council will be focused on the need to ensure compliance with its duties under the Equality Act 2010 to those who fall within this protected characteristic group. It is recognised that continued monitoring will need to be undertaken to ensure there are no adverse impacts on those in this protected characteristic group.

¹²<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/womeninthelabourmarket/2013-09-25>

Sexual Orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes

Potential Impacts (positive and negative) of proposed policy/decision/business plan

The policy will have a neutral impact on those in this protected characteristic group.

However, the Council recognises that it needs to maintain and collect accurate data that will enable it to monitor how its policies are impacting those with this protected characteristic.

Mitigating Actions to be Taken and/or Justification

None identified

Religion and Belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (Atheism). Generally, a belief should affect your life choices or the way you live it to be included in the definition.

Potential Impacts (positive and negative) of proposed policy/decision/business plan

The policy will have a neutral impact on those in this protected characteristic group.

However, the Council recognises that it needs to maintain and collect accurate data that will enable it to monitor how its policies are impacting those with this protected characteristic.

Mitigating Actions to be Taken and/or Justification

None identified

Further Action

It is noted that in order to ensure accurate monitoring of the impact of its allocation policy on those with a protected characteristic, the Council will need to collect full and accurate data for those who are applying to join its register and also those who are being allocated accommodation by it. In particular, in relation to areas surrounding the Incentive to Work, Local Connection and Online Applications.

The Council will also need to ensure that it undertakes appropriate Equality Analysis whenever, it sets Local Lettings Policies or it applies sensitive lettings provisions.