

## Durham County Council Equality Impact Assessment

### Tenancy Strategy

#### Section One: Description and Screening

<b>Service/Team or Section</b>	Development and Housing
<b>Lead Officer</b>	Ian Conway
<b>Subject of the impact assessment</b>	Council's Tenancy Strategy 2022-2027
<b>Report date (Cabinet/CMT/Mgt team etc)</b>	<ul style="list-style-type: none"> <li>• Development and Housing MT – 10<sup>th</sup> December 2021</li> <li>• REG MT – 6<sup>th</sup> January 2022</li> <li>• CMT – 19<sup>th</sup> January 2022</li> <li>• Pre Agenda – 25<sup>th</sup> February 2022</li> <li>• Cabinet briefing – 8<sup>th</sup> February 2022</li> <li>• Cabinet – 9<sup>th</sup> February 2022</li> </ul>
<b>MTFP Reference (if relevant)</b>	
<b>Start Date</b>	23 <sup>rd</sup> November 2021
<b>Review Date</b>	

#### Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link)

Under the Localism Act 2011 the Council is required to produce a Tenancy Strategy. The Localism Act also requires the Council to review its Tenancy Strategy from time to time and in doing so must consult with all Registered Providers operating in the County and other relevant parties that the Secretary of State may direct from time to time.

The Tenancy Strategy sets out the types of tenancy the Council would like to see provided by all Registered Providers of Social Housing operating across County Durham. As a Registered Provider of Social Housing itself this also impacts upon the types of tenancy the Council will itself offer to prospective tenants of the Council's new housing stock.

The Council's existing tenancy strategy was implemented in 2012 and is now considerably out of date and no longer reflects that current legislative and regulatory framework affecting social housing.

A period of four weeks consultation on the proposed strategy commenced on the 15<sup>th</sup> November 2021 and runs through till the 13<sup>th</sup> December 2021.

Who are the main people impacted and/or stakeholders? (e.g. general public, staff, members, specific clients/service users, community representatives):

The main people impacted by the Tenancy Strategy are would be tenants of Registered Providers of Social Housing including the council.

The route to a council tenancy or a home provided by another Registered Provider is predominantly via the Council's Choice Based Lettings system Durham Key Options which provides a single database of applicants seeking social housing in County Durham.

Durham Key Option has been subject to its own Equality Impact Assessment see attached [EqIA for DKO Policy Changes 2016 v3](#)

## Screening

Is there any actual or potential negative or positive impact on the following protected characteristics<sup>1</sup>?

Protected Characteristic	<b>Negative Impact</b> Indicate: Yes, No or Unsure who	<b>Positive Impact</b> Indicate: Yes, No or Unsure
Age	Yes	Yes
Disability	No	Yes
Gender reassignment	No	No
Marriage and civil partnership ('eliminate discrimination' employment only)		
Pregnancy and maternity	No	No

<sup>1</sup> <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Race	No	No
Religion or Belief	No	No
Sex	No	No
Sexual orientation	No	No

Please provide **brief** details of any potential to cause discrimination or negative impact. Record full details and any mitigating actions in section 2 of this assessment.

All new tenants of the Council will be offered Introductory Tenancies with more limited statutory rights for a period of 12 months. This may disproportionately impact upon younger people who are less likely to have previously held a tenancy compared to older people who are more likely to have held a tenancy before.

The impact is marginal as after 12 months the tenancy will automatically become a secure tenancy unless the Council take action to end or extend the introductory tenancy. The Council will only do this if the tenant has not performed the obligations of their tenancy as set out in the tenancy agreement.

The Strategy promotes the provision of long-term secure homes for the majority of tenants with the provision of starter or introductory tenancies for new tenants to help promote good tenant conduct and reinforce compliance with the tenancy agreement.

The Tenancy Strategy encourages the use of fixed term or flexible tenancies only in certain specific circumstances and expects Registered Providers to give advice and assistance to the tenant at the expiration of their tenancy to prevent homelessness and secure alternative accommodation.

The Tenancy Strategy makes clear that fixed term tenancies should not normally be granted to the following groups where:

- 
- a member of the household is vulnerable because of old age
- a member of the household is disabled including people with learning difficulties
- members of the household are vulnerable because of enduring mental health conditions or other special reason

The Tenancy Strategy may therefore have a positive impact on people from these groups by encouraging the provision of lifetime tenancies to households who are vulnerable because of old age, learning difficulties, an enduring mental health condition or another special reason.

Starter and introductory tenancies are used as part of a range of measures by Registered Providers to encourage good tenant conduct. Securing possession of a home against a starter or introductory tenant who causes anti-social behaviour

including acts such as harassment, hate crimes or discriminatory behaviour can be evicted more easily during the first 12 months of the tenancy.

Starter and introductory tenancies can be extended by six months for those tenants who are not fully compliant with their tenancy agreement to give them a further opportunity to change their behaviour. This acts as a deterrent / encouragement and is an alternative to eviction for less severe breaches of the tenancy agreement.

Starter and Introductory Tenancies also provide Registered Providers with the opportunity to demote lifetime tenancies to this status as an alternative to eviction for breaches of the tenancy agreement and give the tenant further opportunities to amend their conduct.

Please provide **brief** details of positive impact. How will this policy/proposal promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The overall objective of the Tenancy Strategy is to ensure that the types of tenancy offered best meet the housing need as it relates specifically to affordable housing for those who cannot access market housing either for rent or sale.

There are potential positive impacts across the protected characteristics especially in terms of age (younger and older people), disability and sex (both male and female).

The tenancy strategy aims to help people feel secure in their home, free from the threat of eviction and homelessness.

The Tenancy Strategy sets out a commitment to provide a range of tenancies to meet all housing needs, providing security of tenure and a safety net for those facing financial difficulties.

The use of introductory and starter tenancies helps to encourage compliance with the tenancy and enable swift and decisive action to be taken to deal with perpetrators of discrimination, harassment and victimisation helping to provide protection to vulnerable households and those with protected characteristics.

Starter and introductory tenancies are used as part of a range of measures by Registered Providers to encourage good tenant conduct. Securing possession of a home against a starter or introductory tenant who causes anti-social behaviour including acts such as harassment, hate crimes or discriminatory behaviour can be evicted more easily during the first 12 months of the tenancy.

Starter and introductory tenancies can be extended by six months for those tenants who are not fully compliant with their tenancy agreement to give them a further opportunity to change their behaviour. This acts as a deterrent / encouragement and is an alternative to eviction for less severe breaches of the tenancy agreement. The

Council will put systems in place to monitor the impact of the introductory tenancy scheme on people with protected characteristics to identify any unforeseen adverse impacts which may require mitigation.

Starter and Introductory Tenancies also provide Registered Providers with the opportunity to demote lifetime tenancies to this status as an alternative to eviction for breaches of the tenancy agreement and give the tenant further opportunities to amend their conduct.

Registered Providers are required to have regard to the Council's Tenancy Strategy when developing their own Tenancy Policies. Many Registered Providers operate regionally and / or Nationally and can be impacted upon by more than one Council's Tenancy Strategy. Each Registered Provider when developing their own policies will need to undertake their own equality impact of any proposed changes to their tenancy policy including consultation with affected groups. All Registered Providers are subject to the requirements of the Regulatory Framework which is overseen by the Regulator for Social Housing [Regulatory standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## Evidence

What evidence do you have to support your data analysis and any findings?

Please **outline** any data you have and/or proposed sources (e.g. service user or census data, research findings. Highlight any data gaps and say whether or not you propose to carry out consultation. Record your detailed analysis, in relation to the impacted protected characteristics, in the following section of this assessment.

Breakdown of applicants on DKO as the route to social housing in County Durham has been extracted and is shown below.

Younger applicants i.e. those aged under 24 represent around 10% of those registered for housing and are a slightly smaller percentage of applicants on the register than those in other age bandings.

<b>Household Type v Age</b>	<b>16-24</b>	<b>25-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65+</b>	<b>Grand Total</b>
1. Household type not set	163	218	185	146	162	279	<b>1153</b>
2. Couple with dependent children or member pregnant	272	626	525	238	78	33	<b>1772</b>
3. Lone parent household with dependent children or member pregnant	201	672	422	149	40	5	<b>1489</b>
4. One person households	235	287	266	446	719	1280	<b>3233</b>
5. All other household groups	145	233	150	366	566	1144	<b>2604</b>
<b>Grand Total</b>	<b>1016</b>	<b>2036</b>	<b>1548</b>	<b>1345</b>	<b>1565</b>	<b>2741</b>	<b>10251</b>

The numbers of non-uk nationals on the Housing Register are comparatively small and generally representative of the wider population in County Durham.

<b>Nationality</b>	<b>Total</b>	
Bulgaria	3	0.0%
Hungary	4	0.0%
Lithuania	10	0.1%
Non-EEA national	48	0.5%
Not stated	4	0.0%
Other	1	0.0%
Other EEA national	34	0.3%
Poland	55	0.5%
Romania	4	0.0%
Slovakia	1	0.0%
Slovenia	1	0.0%
UK National	10086	98.4%
<b>Grand Total</b>	<b>10251</b>	

Woman make up the largest proportion of applicants on the Housing Register.

<b>Household type v Gender</b>	<b>Female</b>	<b>Male</b>	<b>Grand Total</b>
1. Household type not set	724	429	<b>1153</b>
2. Couple with dependent children or member pregnant	1273	499	<b>1772</b>
3. Lone parent household with dependent children or member pregnant	1362	127	<b>1489</b>
4. One person households	1888	1344	<b>3232</b>
5. All other household groups	1267	1337	<b>2604</b>
<b>Grand Total</b>	<b>6514</b>	<b>3736</b>	<b>10250</b>

Levels of ethnicity on the Housing Register is not particularly diverse but generally representative of the wider population in County Durham.

<b>Ethnicity</b>	<b>Total</b>	
Ethnicity N/K	<b>159</b>	1.6%
Any other White background	<b>258</b>	2.5%
Asian Any Other	<b>14</b>	0.1%
Asian Bangladeshi	<b>4</b>	0.0%
Asian Indian	<b>7</b>	0.1%
Asian Pakistani	<b>2</b>	0.0%
Black African	<b>25</b>	0.2%
Black Any Other/ African / Caribbean background	<b>7</b>	0.1%
Black or Black British: Caribbean	<b>9</b>	0.1%
Chinese	<b>3</b>	0.0%
Irish	<b>17</b>	0.2%
Mixed W & B Asian	<b>5</b>	0.0%

Mixed: Any Other	15	0.1%
Mixed: White and Black African	12	0.1%
Mixed: White and Black Caribbean	14	0.1%
Not stated	104	1.0%
Other Ethnic	61	0.6%
Refused	9	0.1%
Welsh / English / Scottish / Northern Irish / British	9492	92.6%
White Scottish	25	0.2%
White Welsh	9	0.1%
<b>Grand Total</b>	<b>10251</b>	

## Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Are you proceeding to full impact assessment (sections 2&3 of this template) based on the screening (section 1) information provided?	No

## Sign Off

Lead officer sign off:	Date:
Equality representative sign off (where required):	Date:

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment, please ensure your screening record is **attached to any relevant decision-making records or reports**, retain a copy for update where necessary, and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

If you are unsure of assessing impact please contact the corporate equalities team for further advice at [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

## Section Two: Data analysis and assessment of impact

Please provide details of impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions and any necessary mitigating actions to ensure fair treatment.

Protected Characteristic: <b>Age</b>		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?
<p>Save where a tenant was, immediately prior to their new Council tenancy, a secure tenant of another council or an assured tenant of another social housing provider, all new tenants to the Council will be offered an introductory tenancy for the first 12 months of their tenancy. Where the tenant has been a secure or an assured The equivalent tenancy provided by other Registered Providers are known as Starter or Probationary Tenancies. The strategy will not impact upon any existing tenancy provided by Registered Providers or result in any change in the provision of Starter or Probationary Tenancies in the future.</p> <p>There is a likelihood that those become a council tenant or a tenant of another Registered Provider for the first time are more likely to be younger applicants.</p> <p>For the first 12 months of the tenancy new tenants provided with an Introductory Tenancy will have a more limited range of</p>	<p>Details of breakdown from DKO</p>	<p>Introductory, Starter of Probationary Tenancy schemes apply to all new tenancies.</p> <p>Any decision which may adversely impact upon an individual are subject to an independent review or oversight by and independent person.</p> <p>In the case of repossession due process needs to be followed including the opportunity for the individual to have the right to an independent review.</p> <p>The policy is applied equally to all applicants.</p>

<p>tenancy rights and if the tenancy agreement is breached the process of the landlord recovering possession of the property is more straightforward and the court has no discretion not to grant the possession order providing the relevant procedures have been followed.</p> <p>Providing the conditions of the tenancy are complied with that the tenant has agreed to then a full secure lifetime tenancy will be granted after 12 months tenancy.</p> <p>Introductory, starter or probationary tenancies can be extended for 6 months where the agreement has not been complied with to give the tenant a further opportunity to demonstrate that they are able to meet the obligations of their tenancy.</p> <p>Where the Council or other registered provider decides to extend or end the introductory, starter or probationary tenancy the tenant has the right to review by an independent person who was not party to the original decision to extend or bring to an end the tenancy.</p>		
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Protected Characteristic: <b>Disability</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

None		
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Protected Characteristic: <b>Gender reassignment</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None		

Protected Characteristic: <b>Marriage and civil partnership ('eliminate discrimination' employment only)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
N/A		

Protected Characteristic: <b>Pregnancy and maternity</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None		

Protected Characteristic: <b>Race</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None	The strategy makes reference to Gypsy and Roma Travellers and the sites managed by the Council for completeness only.	

	There are no proposed changes contained within the strategy.	
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Protected Characteristic: <b>Religion or belief</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None		

Protected Characteristic: <b>Sex</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None		

Protected Characteristic: <b>Sexual orientation</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None		

## Section Three: Conclusion and Review

### Summary

Please provide a brief summary of your findings; a summary of any positive and/or negative impacts across the protected characteristics, links to the involvement of different groups and/or public consultation, mitigations and conclusions made.
No specific adverse impacts were identified during the consultation process. The Council's tenancy agreement contains specific clauses relating to equality and makes clear that hate crime, domestic abuse and discrimination are not acceptable and this could result in the loss of a tenancy where the tenant,

members of their household or any visitors to the home indulge in this kind of behaviour.

Will this promote positive relationships between different communities? If so how?

The tenancy strategy promotes good tenant like behaviour and sustainable communities.

### Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?
n/a			

### Review and connected assessments

Are there any additional or connected equality impact assessments that need to be undertaken? (If yes, provide details)	No
When will this assessment be reviewed? Please also insert this date at the front of the template	Next time the strategy is reviewed

### Sign Off

Lead officer sign off: Geoff Paul	Date:
Equality representative sign off (where required):	Date:

**Please ensure this equality impact assessment (EIA) record is attached to relevant decision-making records or reports, a summary of findings is included within the report and the report implications appendix is noted that an EIA has been undertaken.**

Retain a copy for update where necessary, and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)