

Appendix 2

Initial Equalities Impact Assessment screening form

Prior to making the decision, the Council's decision makers considered the following: guide to decision making under the Equality Act 2010:

*The Council is a public authority. All public authorities when exercising public functions are caught by the Equality Act 2010 which became law in December 2011. In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 9 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation and marriage & civil partnership***

The decision maker(s) must specifically consider those protected by the above characteristics:

- (a) To seek to ensure equality of treatment towards service users and employees;*
- (b) To identify the potential impact of the proposal or decision upon them.*

The Council will also ask that officers specifically consider whether:

- (A) The policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults*
- (B) The proposed policy / service is likely to have any significant impact on mental wellbeing / community resilience (staff or residents)*

If the Council fails to give 'due regard', the Council is likely to face a Court challenge. This will either be through a judicial review of its decision making, the decision may be quashed and/or returned for it to have to be made again, which can be costly and time-consuming diversion for the Council. When considering 'due regard', decision makers must consider the following principles:

- 1. **The decision maker is responsible for identifying whether there is an issue and discharging it.** The threshold for one of the duties to be triggered is low and will be triggered where there is any issue which needs at least to be addressed.*
- 2. **The duties arise before the decision or proposal is made, and not after and are ongoing.** They require **advance** consideration by the policy decision maker with conscientiousness, rigour and an open mind. The duty is similar to an open consultation process.*
- 3. The decision maker must be **aware of the needs of the duty.***
- 4. The **impact of the proposal or decision must be properly understood first.** The amount of regard due will depend on the individual circumstances of each case. The greater the potential impact, the greater the regard.*
- 5. **Get your facts straight first!** There will be no due regard at all if the decision maker or those advising it make a fundamental error of fact (e.g. because of failing to properly inform yourself about the impact of a particular decision).*
- 6. What does 'due regard' entail?
 - a. **Collection and consideration of data and information;***
 - b. **Ensuring data is sufficient to assess the decision/any potential discrimination/ensure equality of opportunity;***
 - c. **Proper appreciation of the extent, nature and duration of the proposal or decision.****

7. **Responsibility** for discharging can't be delegated or sub-contracted (although an equality impact assessment ("EIA") can be undertaken by officers, decision makers must be sufficiently aware of the outcome).
 8. **Document the process** of having due regard! Keep records and make it transparent! If in any doubt carry out an equality impact assessment ("EIA"), to test whether a policy will impact differentially or not. Evidentially an EIA will be the best way of defending a legal challenge. See hyperlink for the questions you should consider <http://occweb/files/seealsodocs/93561/Equalities%20-%20Initial%20Equality%20Impact%20Assessment%20screening%20template.doc>
1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

The Localism Act 2011 states that a local authority has the legal requirement to produce a tenancy strategy.

The Tenancy Strategy and Tenancy Policy 2018-2023 also takes into consideration

- The Housing Act 1985
- The Housing Act 1996
- Homelessness Act 2002
- Localism Act 2011
- The Tenancy Standard (Homes and Communities Agency, 2012)
- The Housing and Planning Act 2016 and the Housing White Paper (2017).
- Homeless Reduction Act 2017

These policies/Statutory Instruments have already been Equality Impact Assessed by the Government and any disadvantage to particular customer groups, as a consequence of such changes, have already been identified.

Analysis of reliable data from national and local sources, plus consultation with other local authorities, has helped to inform the development of this DRAFT Tenancy Strategy and Tenancy Policy 2018-2023 which seeks to address inequalities for any member of the Oxford community wishing to access truly affordable good quality accommodation with security of tenure where possible. The strategy seeks to ensure that social housing providers let any new tenancies at truly affordable rents i.e. in line with social rent or at Affordable Rents capped at Local Housing Allowance (or equivalent measure) levels to ensure that those on low/median annual incomes are not disadvantaged.

The consultation process for the new DRAFT Tenancy Strategy and Tenancy Policy 2018-2023 and associated appendices will include consultation with all private registered providers of social housing in Oxford, Council Tenants, stakeholders and members of the public.

By using current, and developing new, working partnerships with social housing providers and tenants, the aim is to ensure that there is minimal equality impact to the residents of Oxford. The new strategy and policy will be

kept under review and its delivery monitored with the assistance of partner social housing providers, tenants and stakeholders. This will help to identify any adverse equality impacts and to provide an opportunity to put measures in place to resolve or reduce them.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

The new draft strategy and policy statement largely supports what is in the current tenancy strategy and policy statement which is due to expire mid-2018. This new DRAFT Tenancy Strategy and Tenancy Policy 2018-2023 strengthens the need to provide genuinely affordable homes to meet the needs of households receiving incomes below or at median earnings levels in the City. It also aims to strengthen the position that any intermediate rented accommodation costs should be capped at Local Housing Allowance levels. This will help to secure affordable housing to those who have a low income or who need to claim Universal Credit/benefits and should help to reduce or eliminate inequality in accessing affordable housing locally. Consultation on the draft strategy (21 March to 19 April 2018) will assist in identifying any other equality considerations that need to be given. Implementation of the strategy (2018-2023) will be monitored in partnership with Registered Providers and other social housing providers in the City, as well as City Council Tenants. This will happen 18 months to mid-term of the strategy and also when there are any changes in legislation/government policy that might impact on the strategy. Review and monitoring delivery of the strategy will, in turn, help to identify and reduce any adverse equality impacts in a timely way.

Overall, the key objectives of the strategy are:

- To promote Oxford City's housing vision with a focus to provide social rented tenancies.
- To ensure that affordable housing providers adhere to the new Tenancy Strategy to the benefit of the local community.
- Affordable housing providers are to let any new tenancies in Oxford at genuinely affordable rents i.e. in line with social rent or at Affordable Rents capped at Local Housing Allowance (or equivalent measure) levels.
- To create sustainable, mixed and balanced communities.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

To meet the requirements of the Localism Act 2011, the City Council is required to consult on the draft tenancy strategy and its associated appendices with every private registered provider of social housing for the Oxford city district, tenants, stakeholders and members of the public.

During the consultation process (21 March 2018 to 19 April 2018) meetings will be convened to include the groups above. There may be people within those groups who have disabilities or other protected characteristics. However, we will ensure that the opportunity to provide feedback is also provided to representative groups by writing to those groups to advise of how everyone can get involved.

The details of the consultation will also be promoted via the Council's website, Tenants in Touch newsletter, social media, through City Councillors and information provided to display at leisure and community centres across the city.

After the consultation process, all comments/suggestions will be considered and changes to the strategy document will be made before final approval from CEB and Council to implement the new Tenancy Strategy and Tenancy Policy 2018-2023.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

No adverse impacts identified as a consequence of implementing the key objectives outlined in the draft strategy. Adjustments may be required to the draft strategy following public consultation.

However should any new government guidance/legislation be implemented then a review of the strategy would be completed to identify actions to be taken going forward, bearing in mind that policies/Statutory Instruments have already been Equality Impact Assessed by the Government and any potential disadvantage to particular customer groups identified.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

See answer to Q2.

Lead officer responsible for signing off the EqIA: Stephen Clarke

Role: Head of Housing Services

Date: 29.1.18

Note, please consider & include the following areas:

- Summary of the impacts of any individual policies
- Specific impact tests (e.g. statutory equality duties, social, regeneration and sustainability)
- Consultation
- Post implementation review plan (consider the basis for the review, objectives and how these will be measured, impacts and outcomes including the “unknown”)
- Potential data sources (attach hyperlinks including Government impact assessments or Oxfordshire data observatory information where relevant)

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