

Tri-Borough Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

An EIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

1. **Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
2. **Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
3. **Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough leads:

LBHF Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430	RBKC Corporate Equalities Officer: angela.chaudhry@rbkc.gov.uk 020 7361 2654	WCC Senior Policy Officer: doleary@westminster.gov.uk 020 7641 8024
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Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2015-2016
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: The Impact of Increasing Dwelling Rents in TMO Managed Properties</p> <p>Short summary:</p> <p>The Royal Borough is landlord to 9488 properties, of which approximately 6,900 are socially rented and 2,500 are leasehold, those remaining fall into either shared ownership or supported housing categories. The housing management responsibility for this stock has been delegated to the Kensington and Chelsea Tenant Management Organisation who maintain responsibility for Housing Management and Repairs and Maintenance through the Modular Management Agreement (MMA).</p> <p>In 2002/2003, the Government introduced its “rent restructuring” regime where rents are set in line with a national formula which is used to calculate a target/formula rent for each property. The assumption was that actual rents move to target rent in equal steps. However, the Government introduced a number of guidelines (known as caps and limits) to protect tenants from excessive increases in rents. These constraints resulted in many rents in the Royal Borough being set at levels which were considerably below their target/formula rent. In order to generate additional resources to fund capital expenditure, a revised rent policy was introduced in April 2014. Under this policy, rents for individual properties will converge with their target/formula rent over the 5 year period 2014/15 to 2018/19. To protect households from high rent increases, the maximum increase for any individual property will be limited to 10% in each of the 5 years.</p> <p>The rents for 2015/16 have been set in accordance with this revised policy. This means that by 2018/19, 97% of households will have reached their target rent. For 2015/16 the average increase will be 4.66% meaning the average rent across all properties will be £123.81, up from the average of £118.29 in 2014/15</p> <p>It is important that measures are implemented to minimise and mitigate the financial hardship that tenants will face as a result of these increases, along with other welfare reform related changes. For example, in addition to the forthcoming rent increases, the bedroom penalty was introduced from April 2013 and from July 2013 the benefit cap was introduced across Kensington and Chelsea, meaning that some recipients of welfare payments were restricted across a range of benefits to £500 per week for families and £350 per week for single people. Information provided by the Housing Benefit Department confirms that of the 6,900 TMO properties that are socially rented, 4,822 of these receive housing benefit. Should these households not be subject to the overall benefit cap, then the increase in rents is unlikely to have any effect. The bedroom penalty on the other hand, reduces the amount of housing benefit that people receive if they are considered to have an unoccupied bedroom. The rate of housing benefit reduced is 14% for one spare bedroom and 25% for two or more spare bedrooms. Information provided by the TMO indicates that 325 households have been subject to the bedroom penalty.</p> <p>This Equality Impact Assessment seeks to identify those groups noted in the protected characteristics (section 2) that may be affected positively or negatively by the introduction of increasing rents, and (sections 6 & 7) sets out measures to mitigate the impact on those groups. The impact assessment also serves to assist the Council in ensuring it meets its equality duty, that is,</p>

	<p>to prevent discrimination and ensure equality for its residents. When making a decision in relation to any of its functions such as increases in rent levels, due regard must be had to the general equality duty imposed by the Equalities Act 2010. The public sector equality duty consists of a general equality duty which is set out in section 149 of the Equality Act 2010 and there are specific duties which are imposed by secondary legislation. This duty came into force in April 2011. The duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex and sexual orientation.</p> <p>As noted, the proposed average rent increase for 2015/2016 will be 4.66% with average rents equalling £123.81 per week, no rent will exceed a 10% increase across any of the 5 years during which the rent model is implemented. The increase applies to all properties, regardless of the age of the occupant.</p> <p>Note: If your proposed strategy will require you to assess impact on staff, please consult your HR Relationship Manager</p>	
Lead Officers		<p>RBKC Name: Celia Caliskan Position: General Needs Housing Commissioning Manager Email: Celia.Caliskan@rbkc.gov.uk Telephone No: 0207 361 2238</p>
Lead Borough	RBKC Specific	
Date of completion of final Full EIA	5 December 2014	

Section 02	Scoping of Full EIA		
Plan for completion	Timing: November 2014 Resources: Previous EIA Assessments and TMO Resident Survey Data.		
Analyse the impact of the policy, strategy, function, project, activity, or programme	Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.		
	Protected characteristic	Borough Analysis	Impact: Positive, Negative, Neutral
	Age	The introduction of rents across TMO stock will apply to all residents, regardless of the resident's age. However, other specific welfare reform measures may have an impact as a result of the age of the tenant, these are as follows.	Negative

		<p>Social Sector Size Criteria – Under Occupation Penalty As of the end of November 2014 there were 325 households subject to the social sector size criteria (otherwise known as the under occupation penalty). This welfare reform is only applied to working age households. We do not hold information on households who are under occupying but not claiming Housing Benefit.</p> <p>Benefit Cap As of the end of November there were 14 households where the benefit cap was being applied. This welfare reform is only applied to working age households.</p>	
	Disability	There are 584 known disabled residents within the TMO stock. Disabled adults are twice as likely to be living in low-income households as non-disabled adults. Additionally, disabled people are more likely to not be working, and where they are working, are more likely to be earning less ¹ . It is evident therefore the increase in rents is likely to specifically impact this protected characteristic.	Negative
	Gender reassignment	Resident survey information does not capture specific information as to whether any TMO residents have undergone gender reassignment but the TMO are not aware of any residents who have undergone gender reassignment; however, it is not anticipated that the increase of rents across TMO housing stock will adversely impact individuals who may have undergone gender reassignment.	Neutral
	Marriage and Civil Partnership	It is not anticipated that the increase of rents across TMO housing stock will adversely affect individuals if they are married or in civil partnerships, more so than non-married residents or those not in civil partnerships.	Neutral
	Pregnancy and maternity	It is not envisaged that those residents who happen to be pregnant or on maternity leave will be adversely affected by the rent increases as a result of their pregnancy or maternity.	Neutral

¹ Laxton and Parckar for Leonard Cheshire Disability *Fuel Poverty and Disability* January 2009

	Race	The TMO's resident data shows 48.08% of tenants are from black, Asian or minority ethnic groups ² , with a further 27.09% unknown. A report by the Department for Work and Pensions ³ also tells us that working-age adults living in households headed by someone from an ethnic minority were more likely to live in low-income households. This was particularly the case for households headed by someone of Pakistani or Bangladeshi ethnic origin.	Negative
	Religion/belief (including non-belief)	It is not anticipated that the increase of rents across TMO housing stock will adversely affect individuals as a result of any specific religion or belief that they may have.	Neutral
	Sex	It is not anticipated that the increase of rents across TMO housing stock, or the bedroom tax will adversely affect individuals based on their sex. Male and Female residents will be equally affected, of which 58.40% are female and 41.60% male, but for the purposes of this characteristic we don't have evidence that the impact on women will be greater because of their gender; therefore the overall impact is neutral, as there's no different mitigation needed for women or men.	Neutral
	Sexual Orientation	It is not anticipated that the increase of rents across TMO housing stock will adversely affect individuals based on their sexual orientation.	Neutral
Human Rights or Children's Rights If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice. Forthcoming TMO rent increases are not expected to affect Human Rights or Children's Rights.			

Section 03	Analysis of relevant data Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	RBKC: In addition to the data sources identified in Section 2, recent research obtained in connection with this equalities impact assessment shows that

² This is all known ethnicities that are not White British.

³ Department of Work and Pensions: *Households Below Average Income – An analysis of the income distribution 1994/95 – 2010/11* June 2012 (United Kingdom)

New research	Not applicable.
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Section 04	Consultation
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
Consultation in each borough	<p>There is a standardised consultation process used for the HRA budget and associated rent increase:</p> <ul style="list-style-type: none"> • 5 January 2015: TMO Board meeting – the report will be presented by the Council’s Housing Finance Manager to answer questions, • 6 January 2015: Tenants Consultative Committee – this is the main agenda item and comments and questions are welcomed. • 7 January 2015: Council’s Housing and Property Scrutiny Committee Meeting <p>The Tenant’s Consultative Committee will be used as a forum to consult with residents and representatives from individual resident associations. Following the Housing and Property Scrutiny Committee on 7 January the Cabinet Member for Housing and Property will be asked to take a key decision for the 2015-2016 rent increase. Once the key decision has been agreed the TMO will distribute rent increase letters to all Council Tenants notifying them of the increase. Information outlined within the letters will clearly state that tenants should seek advice from their Rental Income Officer, Welfare Officer or Neighbourhood Officer if they have any concerns in managing the increase. In addition, it is proposed that the TMO will publicise the increase on the TMO website and in Tenant Link Magazine, at resident association meetings and other resident consultation groups.</p>
Analysis of consultation outcomes for each borough	

Section 05	Analysis of impact and outcomes
Analysis	It is inevitable that all council tenants will be affected by these proposed rent increases and a small percentage will be impacted by the under occupation penalty and/or benefit cap, however, it is likely that some groups will be affected to a greater extent because of their lower income. It is essential that those tenants who have been identified as likely to suffer from financial hardship as a result of the rent increases, the under occupation penalty or the benefit cap are provided with as much advice as is possible to minimise the impact. To this end, the TMO has two Welfare Officers whose remit is to provide tailored advice and assistance to those affected, such that they are aware and have access to all available forms of benefit. This includes the option of applying for Discretionary Housing Benefit Payments (DHP) to cover shortfalls temporarily.

Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	<p>As explained in Section 4, the TMO will be required to communicate with all residents in writing, outlining the proposed increases for 2015/16. The TMO will also provide detailed information to residents on where and when they can seek further advice and guidance on income maximisation and how to reduce the impact of rent increases as well as the alternative housing options for those who will be affected by under occupation.</p> <p>As outlined in Section 2 there will be residents from certain protected characteristics who may be more likely to experience difficulties paying the increased charges, and who will be affected by the bedroom penalty and benefit cap. This primarily relates to households of a working age as those above the working age are excluded. The TMO will therefore need to ensure that those tenants who will be affected are given appropriate advice and support to help them avoid rent arrears and financial hardship. Informing tenants well in advance of the rent increase and of the impact a reduction in housing benefit will cause for under-occupiers, will help residents to budget effectively and make informed and independent choices.</p> <p>In order to support welfare changes generally, two welfare reform officers were created for a two year period. It is planned to extend this period for a further year to March 2016. These officers are providing support and advice mainly for tenants affected by the under occupation penalty and benefit cap. This includes assistance to claim for DHP which mitigate the risk of income loss to the Council. At present, 98 households are in receipt of DHP to supplement their rent.</p> <p>Whilst neither the Royal Borough as landlord or the TMO as managing agent are able to directly offer permanent financial support to residents affected by these increases, both organisations are in a position to assist tenants with identifying additional income sources to help mitigate this impact. This could be in the form of a referral to the DWP for an income maximisation consultation, an application to RBKC Housing Benefit for discretionary housing benefit and or an application to the RBKC social fund for local support payments. Tenants should also be made aware that they can have access to independent financial and housing advice. As noted, the Royal Borough will also have funds available from a discretionary housing benefit fund that will aim to support vulnerable residents in exceptional circumstances; clear guidance on how to apply and who might be eligible for this will need to be disseminated amongst council tenants. Further, the Council's Housing Options and Allocations Team operates an Under Occupation Scheme through which social housing tenants with spare bedrooms are awarded a high priority for re-housing on the housing register, and may receive financial incentives and other assistance when downsizing to a suitably sized property. The incentives and assistance have been extended to under occupiers who downsize with overcrowded RBKC residents, where 'best fit' of the properties in question results. Council tenants subject to the under occupation penalty may take advantage of these forms of assistance. Alternatively, they can seek alternative forms of advice and assistance either from the Council or the TMO either to downsize or to remain in their current property while affording the rent.</p>

Section 07	Action Plan
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis

	Issue identified:	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	Ensure all residents are aware of forthcoming rent increases.	Provide written notification and use forums noted in Section 4 as opportunities to make residents aware.	Prior to introduction of Rent Increase in April 2015.	Sacha Jevans – Executive Director of Operations.	Affected residents to be clear on rent increases and options for additional income and advice.	
	Ensure all residents are able to make best use of advice and assistance, and where entitled, receive maximum benefits and or grants.	Provide detail information and advice to affected residents.	Prior to introduction of Rent Increase in April 2015.	Sacha Jevans – Executive Director of Operations.	To ensure that residents affected by rent increases and or welfare reform measures are currently receiving all available benefits.	
	Ensure residents affected by the under occupation penalty are offered advice on their re-housing options.	To ensure residents under occupying accommodation are given re-housing advice.	Ongoing since the implementation of the spare room penalty.	Rob Shaw – RBKC Head of Housing Needs	To ensure residents are kept informed of their options.	

Section 08	Agreement, publication and monitoring	
Chief Officers' sign-off		Laura Johnson – Director of Housing
Key Decision Report (if relevant)		Cllr Rock Fielding Mellen – RBKC Lead Member for Housing & Property
Lead Equality Manager (where involved)		Angela Chaudhry – Corporate Equalities Officer