

# Gwynedd Common Housing Allocations Policy

## Equality Impact Assessment (Draft) 2018

### Introduction

This is an assessment of the Gwynedd Common Housing Allocations Policy. This assessment should be read in conjunction with a range of other documents that together provide a fuller equalities impact assessment and evidence to show compliance with relevant legislation.

The list of related documents includes:

- Gwynedd Common Housing Allocations Policy
- Local Lettings Policies

### Assessment Details

Name of what is being assessed	Gwynedd Common Housing Allocations Policy (2018 draft version)
Gwynedd Common Housing Register Partnership	Gwynedd Council Cartrefi Cymunedol Gwynedd North Wales Housing Association Grŵp Cynefin
Name of person completing the assessment	Brett Sadler (NWAHA), Gareth Parri (Gwynedd Council)

## Aims and Objectives of what is being assessed

1.	Is this a new or existing policy, strategy, procedure, practice, service area or decision?	The 2018 Gwynedd Common Housing Allocations Policy (Draft for Consultation) is essentially a new policy, significantly different to the previous version.
2.	Summarise the purpose of what is being assessed and its desired outcomes.	The updated policy being assessed covers how the partners will prioritise allocations for social housing in Gwynedd. Social housing is housing provided by some local councils and registered, not for profit, organisations. Gwynedd Council, however, does not hold any housing stock.
3.	Summarise the day to day activities and functions that are carried out in relation to what is being assessed (e.g. taking repair calls, arranging meetings, home visits).	<p>The key objectives of the policy are that it-</p> <ul style="list-style-type: none"> <li>• helps meet housing need and local housing issues in Gwynedd</li> <li>• gives priority to those in greatest housing need and with the strongest connection to the area to which they are applying</li> <li>• is easy for applicants and staff to understand</li> <li>• consistently prioritises applicants in similar circumstances</li> <li>• enables all applicants to be considered by all social housing providers with just one application</li> <li>• accommodates applicants' preferences as far as possible</li> <li>• makes best use of housing stock</li> <li>• takes into account local circumstances</li> <li>• provides all applicants with advice about all their housing options</li> <li>• provides support for applicants to make an application as required</li> </ul> <p>The day to day functions include:</p> <ul style="list-style-type: none"> <li>• accepting applications for social housing</li> <li>• assessing eligibility for inclusion on the Common Housing Register</li> <li>• assessing applications to determine in which priority band they are placed</li> <li>• offering social housing tenancies</li> <li>• providing housing options advice to those in housing need</li> </ul>
4.	Does it affect any other policies/ areas of work (e.g. anti-social behaviour policy will affect safeguarding policies)?	Not directly. The Common Housing Allocations Policy makes specific reference to 'Equality and diversity' and 'Language'. The Policy aims to prioritise (within the scope of the relevant Housing legislation) people with urgent medical or disability needs, care leavers and veterans, and so has direct links to Health, Social Services and Social Care and indirectly with Welsh

		Language Standards compliance and the Armed Forces Covenant.
5.	List the departments involved in its delivery	The Common Housing Allocations Policy is delivered by the Housing Options Team (HOT) within Gwynedd Council as hosts. The HOT use information from OTs and social workers, homeless decision makers etc, but the decision makers are purely within the HOT.
6.	List any partners or contractors involved in its delivery?	The Gwynedd Common Housing Register Partnership consists Gwynedd Council, Cartrefi Cymunedol Gwynedd, Grŵp Cynefin and North Wales Housing.
7.	Who is responsible for the service?	Heads of service for each partner.
8.	Whose needs is this service designed to meet?	Everyone who comes to the Gwynedd Housing partners looking for housing.

## Scoping and Planning

### **1. Is what is being assessed relevant to the organisation's ability to comply with the Equality Act 2010 public sector equality duty in relation to:**

**The elimination of discrimination and harassment:** Yes  
**The advancement of equality of opportunity:** Yes  
**The fostering of good relations:** Maybe

Affordable and accessible housing is a basic need regardless of a person's protected characteristics, however the policy, in its detail, shows how many in society who are vulnerable and have additional needs will be prioritised.

### **2. Does it take account of the need for reasonable adjustments in terms of disability?**

Yes - Band 1 of the allocations banding (page 16 of the policy) have detailed criteria covering the disability issues of the individual concerned, their family and carers.

### **3. Is it relevant to the protection and promotion of human rights?**

Yes - though Article 8 of the Human Rights Act does not guarantee anyone the right to housing, by providing the means for individuals from all the protected characteristics the opportunity to be allocated a suitable home that matches their needs (and prioritising in some cases where there is an urgent need), the Common Housing Allocations Policy is supporting Article 8 by helping those individuals to have a suitable home, family and private life.

### **4. Does it affect service users, tenants, employees and/or the wider community?**

Yes - the 2018 Common Housing Allocations Policy (Draft for Consultation) impacts on the tenants (who are the current service users), the wider community in that anyone could become a service user by requiring social housing, and the employees of the partner organisations as any new or updated policy can have an effect on working practices and procedures.

### **5. Does it aim to reduce inequality or remove barriers?**

Yes - the move from a points-based system to banding will remove the potential inequalities in the previous system and give people a clearer and fairer allocations process.

## **6a. Are there any aspects of it which will be governed by the service provider's judgement?**

Yes, decisions relating to the following:

Review of the Common Housing Allocations Policy (paragraph 1.21, Part 6)  
Who can apply / Eligibility (paragraphs 2.19 – 2.20, Appendix 2, Appendix 3)  
Review of a decision relating to housing application (paragraphs 2.36 – 2.37, Part 5)  
Choice of areas and property types (paragraphs 2.48 – 2.49)  
Cancellation of applications and removal from the register (paragraph 2.56)  
Urgent housing need (paragraphs 3.16 – 3.24)  
Housing need (paragraphs 3.27 – 3.38)  
No housing need (paragraph 3.39)  
Reduced priority (paragraphs 3.41 – 3.44)  
Suspended applications not considered for an allocation (paragraphs 3.45 – 3.50)  
Applicants' suitability for an allocation (paragraphs 4.8 – 4.10)  
Affordability (paragraph 4.11)  
Offers of accommodation (paragraphs 4.12 – 4.22)  
Local lettings policies (paragraphs 4.28 – 4.31)  
Sensitive lettings (paragraphs 4.34 – 4.35)

## **6b. Is there clear guidance for staff in relation to these aspects to prevent any bias?**

Not at this time. Detailed operational guidance to staff has not yet been developed. Guidance will be developed in detail as the approved version of the Common Housing Allocations Policy will be published. However, it is anticipated that guidance shall be developed to assist officers with each aspect of decision making as listed above.

In addition to guidance to officers of the Partnership, there is statutory guidance available, in particular the aspects of eligibility on immigration grounds and eligibility because of past behaviour.

The Policy also includes, at paragraphs 3.24 and 3.38, provision for certain decisions, in particular regarding an application's particular banding, to be considered by a panel of officers which will meet on a monthly basis and include delegation from each of the Partners.

All decisions are made on a matter of fact. Although it could be envisaged that mistakes could be made, and the relevant fact not considered or irrelevant facts erroneously taken into account, the Policy would not be at fault and such decisions would be subject to review. We do explain to all applicants the process for having a decision reviewed (paragraphs 2.36 – 2.37, Part 5).

**Are there any areas where it could disadvantage or discriminate against people from a protected group? Think about areas where there are known inequalities or barriers faced by protected groups.**

**Age: No**

Explanation: Anyone over 16 can apply for social housing (with a Guarantor if they are 16 or 17). The policy also makes specific reference to different age groups (young and older) due to various factors that affect people at different stages in their lives. These include young people leaving the care of the Local Authority, prevention of children being taken into care, older people wishing to move to housing schemes designated for older persons (this is also linked to suitable accommodation based on Disability as often Age and Disability are related issues that happen to an individual concurrently).

**Disability: Maybe**

Explanation: The Common Housing Allocations Policy prioritises people without reference to their abilities, however, the allocation of suitable properties depends on their availability. Whilst applicants with complex medical needs, including disabilities may fall into an 'Urgent Housing Need' band, it may not necessarily follow that a property suitable for their needs may become available within a reasonable time frame. The relative lack of supply of accessible and adapted homes as opposed to the demand for them could lead to delays in offering suitable accommodation.

**Sex: No**

Explanation: The policy makes no distinction between applicants of either sex, only as part of the make up of the household in terms of bedroom allocation, and the general monitoring of applicants.

**Gender Reassignment: No**

Explanation: Following on from the above, the policy makes no distinction between applicants who are the same sex as they were assigned at birth, and those who are or have transitioned. Trans people often suffer a great deal of abuse however and in certain cases, if made homeless due to issues of abuse or hate crime, the policy does allow for consideration for an urgent housing need.

**Race (Including nationality, ethnicity): No**

Explanation: The policy makes no distinction between applicants of any race, ethnicity or cultural background, beyond the general monitoring of applicants.

**Religion or Belief: No**

Explanation: The policy makes no distinction between applicants of any religion or belief, or lack of faith.

**Sexual Orientation: No**

Explanation: The policy makes no distinction between applicants of any sexual orientation, beyond the general monitoring of applicants/tenants.

**Pregnancy and Maternity: No**

Explanation: The policy makes reference to pregnancy and maternity in terms of the bedroom requirements of the household.

**Marriage and Civil Partnerships: No**

Explanation: The policy makes reference to marital status in terms of the bedroom requirements of the household.

**7b. Are there any areas where it could disadvantage or discriminate against people from other groups?**

**Welsh Language and Culture: No**

Explanation: Welsh Language and Culture is not a protected characteristic under the Equality Act 2010 however the Gwynedd Common Housing Allocations Policy itself, public information and application processes will be in Welsh as required by the Welsh Language Standards (No. 1) Regulations 2015, therefore Welsh speakers are not disadvantaged as their language requirements are met. In addition the Common Housing Allocations Policy proposes to give priority to those with a connection with both Gwynedd and their local community to further safeguard local communities and culture.

**Armed Forces: No**

Explanation: Being in the Armed Forces is not a directly protected characteristic under the Equality Act 2010, however the policy does contain references to those who leave the armed forces and are homeless, or who have a disability or medical condition sustained as a result of being in the Armed Forces.

**Gypsies and Travellers: No**

Explanation: Gypsies and Travellers are not a specific protected characteristic under the Equality Act 2010 (though often falls under the Race category in practice) however people from these communities can apply to be on the Housing Register as well as on the register of designated permanent sites. Part 3 of the Housing (Wales) Act 2014 required local authorities in Wales to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) and, where an unmet need was identified, to make provision for residential site pitches. These issues, though linked, sit outside the scope of the Common Housing Allocations Policy.

**The Homeless: No**

Explanation: Homelessness is not a protected characteristic under Equalities legislation but homeless persons are accepted onto the register without additional priority. The policy makes specific reference to people who have been made homeless due to fleeing violence and they are prioritised accordingly. The policy is directly applied to every homeless applicant and their household as it would be for every other applicant (including those not homeless). Homelessness is a type of housing need from which stems eligibility to be on the register.