

# Liverpool City Region Combined Authority Area

## Allocation of Social Housing Policy Equality Impact Assessment

<b>Business Unit:</b>  <b>Director:</b>  <b>Lead Officer:</b>	
<b>Name of policy to be assessed:</b> Liverpool Social Housing Allocations Scheme	
<b>Brief description of policy to be assessed:</b> <p>All Local Housing Authorities, including those who no longer manage or own any social housing stock, are required to have in place a Housing Allocation Scheme (HAS), providing detailed information about all procedures that will be followed, and by which persons, in the allocation of Social Rented Housing within their local authority (LA) area. Statutory guidance<sup>1</sup> reminds LAs they must have regard to their duties under equalities legislation when framing their allocations qualification criteria within the HAS.</p> <p>This Equality Impact Assessment is part of the sub-regional review of the current HAS.</p> <p>The Local Authority intends to allocate homes in a fair, lawful and transparent way, that makes best use of the homes available. The HAS will set out how the Local Authority will allocate social rented housing to those persons applying to become a social housing tenant; and secure tenants seeking to move to another home let under secure tenancies.</p> <p>The HAS Procedure explains how priority between applicants will be determined and the arrangements for nominating applicants for homes owned by private registered providers of social housing (PRPs) who own and/or manage social rented housing in the LA area.</p>	
<b>Date of Assessment:</b> January 2020	<b>Person Responsible for Completing the Assessment:</b>  <b>Contact Details:</b>
<b>Brief description of the anticipated outcomes of the proposal:</b>  <p>Social Housing Allocations law and guidance<sup>2</sup> aims to ensure that LAs social housing is allocated to persons most in need, and therefore may necessarily contain positive discrimination in order to fully comply with the Public Sector Equality Duty.<sup>3</sup></p> <p>The HAS Procedure intends to ensure that at all times non-discriminatory decisions will be made about the allocation of social rented housing. The administrators of the HAS will be given training about housing allocation law and practice and their duties and responsibilities under the Equality Act 2010.</p>	

<sup>1</sup> Allocation of accommodation: guidance for local housing authorities in England 2012 para 3.20

<sup>2</sup> Allocation of accommodation: guidance for local housing authorities in England 2012 para 3.20

<sup>3</sup> Equality Act 2010, s 149(6)

Allocations will be monitored to understand the impact of the HAS on people with protected characteristics going forward, as recommended by good practice<sup>4</sup>. The monitoring will be used to ensure that the HAS does not negatively discriminate. Guidance<sup>5</sup>, while no longer in force gives a particularly relevant examples showing why this monitoring and analysis is essential to ensure that, for example the HAS is not directly discriminating by consistently offering inferior accommodation to people from certain racial groups.

All applicants will receive information and advice about their rights to make an application for an allocation of social rented housing, and assistance will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join Property Pool Plus. This assistance will be extended to those who might require help to express a preference for an available property to let.

Information will be provided in translated and alternative formats (e.g. Braille, large print, audio etc) upon request. The special needs of specific groups of prospective applicants (e.g. the housebound, gypsies and travellers), will be taken account of when making any arrangement to access and provide information and advice. Information will be made available using a variety of media, including printed hard copy form, on the LA website and via the telephone.

Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminating against them. Those applicants who are unable to be involved or participate in their community due to an illness, disability, age or any other characteristic, will also be treated with the same favour as those who are actively involved or participating in their community.

A HAS must afford a reasonable preference to applicants who fall into certain statutory groups<sup>6</sup>, which has been established in case law to mean such applicants 'should be given a reasonable head start'<sup>7</sup>. The proposed HAS also affords additional preference to some prescribed applicants who have been afforded reasonable preference as provided by legislation<sup>8</sup>. The highest priority Band A will consist of applicants who will be awarded additional preference, in addition to being entitled to a reasonable preference for an allocation of social housing accommodation. These applicants are listed for each characteristic in Impact: Explanation column as Band A.

**Impact:** The HAS aims to have an overall positive effect on households in the area with significant housing need.

Protected Characteristic	Impact			Explanation	Evidence
	Pos	Neg	Neu		
Age	√			The procedure contains provision which positively discriminate due to age. These include:  Victims of hate crime amounting to violence or threats of violence	<b>3.1.1 Age<sup>9</sup></b> Currently, median age of lead tenants is recorded, but no other data is available with regard to age as a protected characteristic.

<sup>4</sup> p15 The Essential Guide to the Public Sector Equality Duty, 2011 (revised 2014)

<sup>5</sup> Statutory Code of Practice on Racial Equality in Housing, 2005 Example 38.

<sup>6</sup> HA 1996, s 166A(a)

				<p>due to their age being placed in Band A.</p> <p>Some social housing accommodation is specifically designated to applicants under the age of 35 years, or over the age of state pension entitlement due to the suitability for certain age groups and will be advertised as such.</p> <p>Sheltered and extra care housing is targeted specifically at older people, usually from 55 and upwards.</p> <p>Young applicants who have been looked after, accommodated or fostered by any local authority as part of the performance of its children social care duties by the LA will be exempt from local connection requirements when preparing to leave the care arrangements so that they can apply for a social rented home in their original home area.</p>	
Disability	√			<p>The procedure contains provision which positively discriminate due to disability. These include:</p> <p>Those whose medical condition is life threatening and their existing accommodation is a major contributory factor; those whose planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy; and victims of hate crime amounting to violence or threats</p>	<p><b>3.6.3 Wheelchair user standards<sup>10</sup></b></p> <p>Between 2013-14 and 2017-18, 5% of all Affordable Rent General Needs lettings and 3% of Social Rent General needs lettings across the 6 LCR areas met wheelchair user standards.</p>

<sup>7</sup> R v Wolverhampton MBC ex p Watters (1997)

<sup>8</sup> HA 1996, s 166A(3)

<sup>9</sup> A review of housing allocation in the Liverpool City Region, January 2020

<sup>10</sup> A review of housing allocation in the Liverpool City Region, January 2020

				<p>of violence due to their disability all being placed in Band A.</p> <p>Specific arrangements will be considered for each individual applicant and property where it may be accessible, informing an applicant of a property's accessible features and implementing a mechanism to identify the requirements of disabled applicants, to allow extra time for disabled applicants, if they need it, to accept an offer and for providing support in making applications.</p> <p>Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Liverpool City Region, and that this care could not be provided unless they were resident in the region, will be exempt from local connection requirements.</p>	
Gender Reassignment (Transgender)	√			<p>The procedure contains provision which positively discriminate due to Gender reassignment. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to gender reassignment being placed in Band A.</p>	There is currently no local allocations data available for this protected characteristic.
Sex (Gender),			√	<p>The procedure does not contain specific provision which positively discriminate due to gender, although the gender of each member of an applicant household is fully considered during the assessment process with regard to the size and type of</p>	<p><b>3.1.3 Gender<sup>11</sup></b></p> <p>There was an imbalance of genders among affordable rent and social rent general need lettings, with 69% and 58% of lettings made to women, slightly higher</p>

<sup>11</sup> A review of housing allocation in the Liverpool City Region, January 2020

				<p>accommodation that would be suitable, due to children over a certain age not having to share a bedroom with a child of a different sex.</p>	<p>compared to 55% of female general needs lettings in England<sup>12</sup>. This is likely a result of the priority given to single parents by social housing providers.</p> <p>In contrast, new supported housing lettings contained more male tenants, averaging 58% of all supported housing lettings across the LCR, higher, compared with England, recording 52% of new supported housing lettings to male households in 2017-18<sup>13</sup></p> <p>This data will not all be relevant to this EIA but supports the Explanation (left).</p>
Race	√			<p>The procedure contains provision which positively discriminate due to race. These include:</p> <p>Victims of racial harassment amounting to violence or threats of violence, and victims of hate crime amounting to violence or threats of violence due to their race being placed in Band A.</p> <p>Essential and appropriate checks carried out to establish an applicant's eligibility to be allocated social rented housing will be monitored to ensure that they are not discriminatory on the basis of race, nationality, ethnic</p>	<p><b>3.1.2 Ethnicity<sup>14</sup></b></p> <p>In the LCC area black households were over-represented in new social housing lettings, at 5.8% compared to 4% of the English population<sup>15</sup>. Asian households were under-represented, constituting 2% of lettings but 7% of the population. The remaining 6.2% of new lettings were to households with mixed race, Chinese or other ethnic group lead tenants. The remaining 5 LAs</p>

<sup>12</sup> MHCLG Social Housing Lettings April 2017 to March 2018, England.

				origin, or any other protected characteristic.	recorded less than 3% black and other minority ethnicity (BME) households in new social housing lettings.
Religion/Belief	√			<p>The procedure contains provision which positively discriminate due to religion/belief. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to their religion or belief being placed in Band A..</p>	There is currently no local allocations data available for this protected characteristic.
Sexual Orientation (Lesbian, Gay and Bisexual)	√			<p>The procedure contains provision which positively discriminate due to sexual orientation. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to their sexual orientation being placed in Band A.</p>	There is currently no local allocations data available for this protected characteristic.
Pregnancy and Maternity	√			<p>The procedure contains provision which positively discriminate due to pregnancy and maternity. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to their pregnancy or maternity being placed in Band A.</p>	There is currently no local allocations data available for this protected characteristic.
Marriage and Civil Partnership			√	<p>The procedure contains provision which positively discriminate due to marriage and civil partnership. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to their marriage or civil partnership being placed in Band A.</p>	There is currently no local allocations data available for this protected characteristic.

## Links to evidence

<sup>13</sup> MHCLG Social Housing Lettings April 2017 to March 2018, England.

<sup>14</sup> A review of housing allocation in the Liverpool City Region, January 2020

<sup>15</sup> Population denominators by ethnic group, 2017

## **A Review of Housing Allocation in the Liverpool City Region, January 2020**

MHCLG Social Housing Lettings April 2017 to March 2018, England

<https://www.gov.uk/government/statistics/social-housing-lettings-in-england-april-2017-to-march-2018>

### **2. Consideration of Alternatives**

#### **2.1 Retain the current HAS**

The current HAS must be updated and amended to ensure that the procedure complies with the most up to date legislation and case law, and that the impact on equalities is positive, therefore retaining the current HAS is not a viable option.

#### **2.2 Make additional or fewer amendments to the current HAS.**

The consultation draft HAS that this EIA has assessed provides a clear but comprehensive procedure to help ensure that the allocation of scarce social housing is made to those in most need of it, in accordance with the most up to date legislation and case law, therefore fewer or additional amendments to the HAS will likely result in it not being fit for purpose, and possibly unlawful.

### **3. Consultation**

<b>Stakeholder/group consulted</b>	<b>Evidence/Link to data, reports etc</b>
<b>Liverpool Housing Directors Consultation event</b>	
<b>Housing Select Committee</b>	
<b>PPP Project Board</b>	
<b>Liverpool Private Registered Providers Consultation Event</b>	
<b>LA and Private Registered Providers Survey</b>	
<b>Stakeholder Survey</b>	
<b>Public Consultation Survey</b>	

A consultation report will be published with all findings once all consultation has been completed and the responses analysed.

### **4. Monitoring Arrangements**

- PPP Project Board members will review current monitoring arrangements and put in place quarterly and annual monitoring of the impact of the implementation of the HAS on equalities.
- Housing Select Committee to continue with its scrutiny role

### **5. Publication**

**Where will this Equality Impact Assessment be**

**Reported:**

**Published:**

**Date:**

**Proposed implementation date of project/proposal:**

**Funding arrangements:**

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