

**London Borough of Hackney  
Equality Impact Assessment Form**

**Title of this Equality Impact Assessment:**

Changes to the Hackney Council Lettings Policy

**Purpose of this Equality Impact Assessment:**

To set out the potential equality impact of the revised lettings policy on applicants seeking to join the council's Housing Register and access social housing.

**Officer Responsible: *(to be completed by the report author)***

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**Strategic Director:** Rob Miller**Date:** 1 June 2021

## **STEP 1: DEFINING THE ISSUE**

### **1. Why are we amending the Lettings Policy?**

- 1.1. The Lettings Policy sets out Hackney Council's policy and procedures for allocating homes within the social sector (Council housing and housing association nominations) to those people registered on the Council's Housing Register, and the legal framework within which the council must operate. It is required under the Housing Act 1996 Part 6 as amended by the Homelessness Act 2002 and Localism Act 2011 to have a housing allocation scheme. The Act also sets out the legal framework by which it is bounded.
- 1.2. Local authorities have always had a deal of discretion in relation to their housing allocation policies; this discretion has been extended by measures included within the Localism Act 2011. However, local authorities are required to ensure that when allocating their stock they only allocate to "eligible persons" as defined in section 160ZA of the 1996 Housing Act.
- 1.3. Additionally, local authorities must only allocate to "qualifying persons" but, subject to the centrally determined eligibility criteria and any regulations made by the Secretary of State, authorities are free to decide what classes of person are and are not "qualifying persons" for the purposes of their allocation schemes. This allows local authorities to exclude certain categories of applicants.
- 1.4. Finally, every local authority allocation scheme in England must ensure that "reasonable preference" is given to certain categories of applicant as set out in sub-section 166A(3) of the 1996 Act. In addition to the legislative framework, the Department of Communities and Local Government provides local authorities with statutory guidance:
  - Allocation of accommodation: guidance for local housing authorities in England (2012);
  - Providing social housing for local people (2013);
  - Right to Move: Statutory guidance on social housing allocations for local housing authorities in England (2015)
- 1.5. Hackney is in the midst of an affordable housing crisis. The inadequacy of Local Housing Allowance (LHA), the benefit designed to help households on a low income rent in the private sector, means that just a small proportion of local private rent properties are affordable. Low income families wanting to remain living in Hackney continue to feel the impact of spiralling rents. This has caused an adverse trend in families taking up occupancy in properties with one or more bedrooms less than their need, which is sharply increasing the number of overcrowded households in the borough. It is estimated that between 12-15% of households living in the private sector are overcrowded. This is not sustainable, both in terms of the financial and social strain it places on families, and can cause loss of a settled home and result in these households presenting to the Council threatened with homelessness.
- 1.6. The lack of adequate affordable accommodation in Hackney has seen the demand for social housing rapidly increasing. The number of households seeking social housing in Hackney now significantly exceeds 13,000, while the proportion of these families considered to be in high priority has also increased; from 18% in

April 2014 to 35% in July 2020. There are now over 4,700 households identified as in urgent or very urgent need.

- 1.7. Whilst the existing scheme was designed with good intent changes in demographics, the PRS market and social housing supply have highlighted inequalities of outcomes for some residents. For example residents who are significantly overcrowded in a private sector tenancy will receive a higher priority (urgent) than a similar, homeless, household for whom the authority has accepted a housing duty.
- 1.8. In 2018, the Mayor made a commitment to “...manage rising demand for social rented homes in Hackney...review how we allocate these homes to ensure the system is as fair and effective as possible... ensuring those in the highest need are a priority.”
- 1.9. While the demand has increased significantly, the number of social properties becoming available to be let has reduced due to a number of factors such as the impact of right to buy and fewer households moving out of a social tenancy. The number of social tenancies becoming available to be let has reduced by almost 50% over the last 5 years: in 2018/19 only 640 lettings became available, despite there being over 45,000 social rent homes in the borough.
- 1.10. In response to these drivers, the Council undertook an extensive investigation into the extent and nature of current demand and anticipated levels of supply. Using this information, as well as feedback from members and stakeholders, the Council’s letting policy has been revised in response to the current situation
- 1.11. For the Council, managing this additional workload is a significant administrative burden that causes delays, generates complaints and considerable frustration in the lettings process.
- 1.12. To address this, it is proposed that the Council adopts a much more transparent and less complex allocation policy. This policy should be easily understood, fair, accessible and beneficial to our residents. It should be:
  - Empathic - prioritising people with the greatest need
  - Simple - easier to understand and guiding people to the right outcome
  - Robust - generates less confusion and misunderstanding and guards against legal challenge
  - Fairer - provides predictable outcomes and is not dishonest
  - Clearer - changing the conversation about what’s possible

## **2. Proposed changes**

- 2.1. The focus is on those in greatest need and redirecting those with a lower need that unfortunately are never likely to achieve a social let to alternative support to source other housing solutions.
- 2.2. It is proposed that only those residents that have the highest level of need will qualify to join the register. These are identified as:
  - Households with an emergency need - where a property has become uninhabitable because of a fire or flood and alternative interim accommodation is not available. These cases will be resolved by a direct offer of accommodation.

- Statutorily overcrowded households - those who lack 2 or more rooms.
- Significant medical need - where the applicant or someone in their household is housebound within it or there is a pronounced impact of the accommodation on the wellbeing of the applicant or someone in their household.
- Significant social need - this would apply where there is a threat to the life of you or someone in your household and there is no alternative effective remedy other than moving you from the accommodation.
- Applicants with specific property requirements - In this case their housing options will be restricted to properties that meet their needs, i.e. older persons housing.
- Applicants for whom the authority has accepted a housing duty under the Housing Act 1996.

2.3. To facilitate this it is proposed that the Council adopts a three band scheme:

- Band A - Only households with a housing need that requires an emergency direct offer;
- Band B - Restricted to households with a significant need;
- Band C - Other households meeting specific conditions and who are to be restricted in the type of accommodation they can apply for - sheltered or older persons accommodation for example.

2.4. The majority applicants will be in Band B. This will rectify previous inequalities in early allocations policies ensuring that those with a significant housing need have equal opportunity and are prioritised primarily by age of application.

2.5. Existing social housing tenants who require a move who do not meet the criteria for the housing register will be supported through an enhanced mutual exchange process with officer support. Those tenants in a property larger than their need will have dedicated resources to help in downsizing with a renewed focus on this activity as a priority.

2.6. The scheme proposals will result in fewer people who qualify to join the register, but for those who aren't able to join or drop off the current register, tailored advice and assistance will be available to help identify and pursue other options. It is one of our ambitions that by reducing the administrative burden of managing the register we free up resources that can be used to promote alternative options and downsizing.

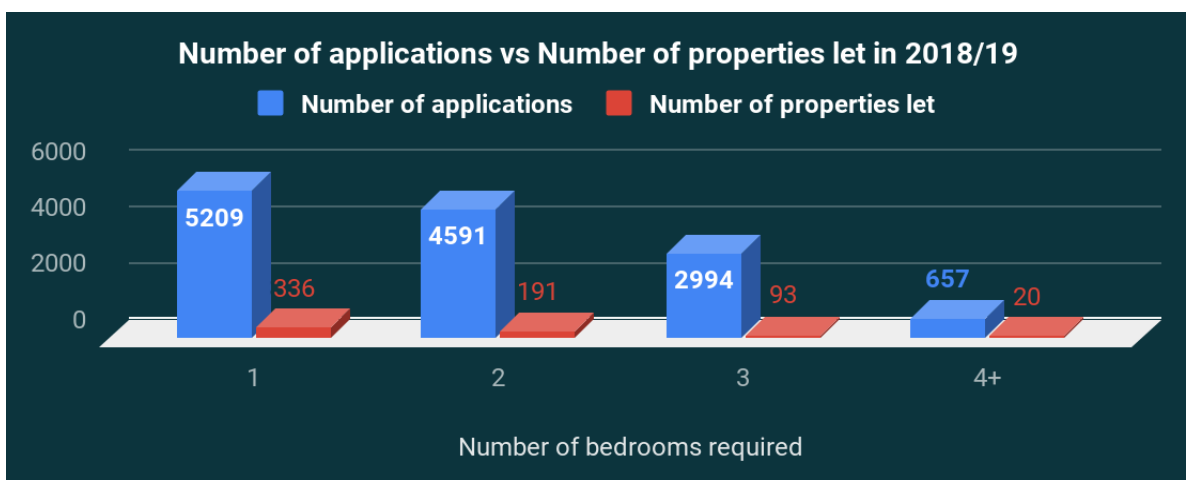
### **3. Who are the main people that will be affected?**

3.1. There are currently over 13,400 households on the Housing Register, but in reality the number of households with some level of housing need in the borough is significantly higher; for example, the 2011 census identified nearly 33% of all households in Hackney as living in overcrowded accommodation; in the last census there were 101,000 households in Hackney, meaning that potentially 33,500 households are affected.

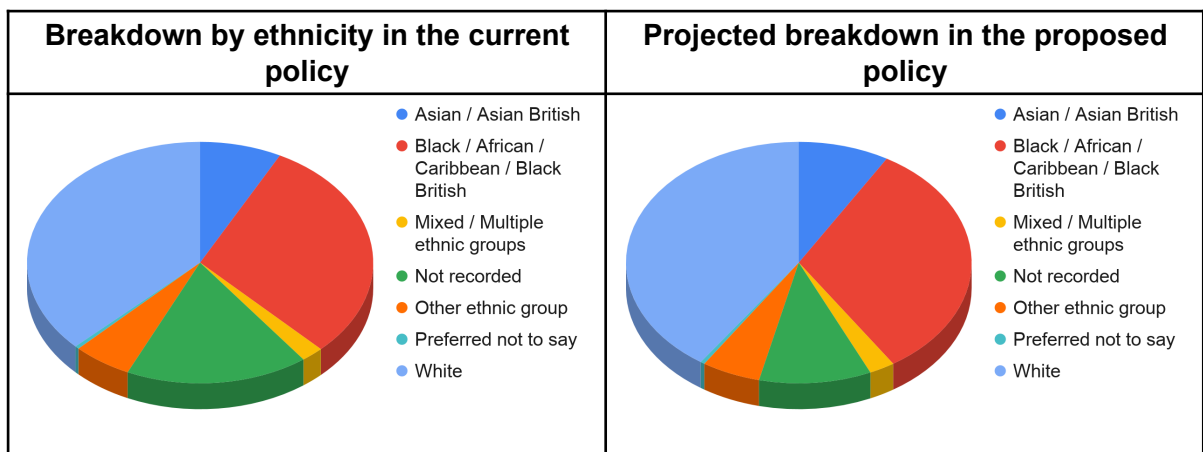
3.2. There has also been a pronounced and steady increase over the last few years in the proportion of households considered to have acute housing needs. Over a third of households currently on the register have housing needs considered significant, as opposed to under a 5th of households five years ago, and more and more of these households are presenting with multiple and complex needs. The levels of homelessness are also increasing rapidly, with the number of approaches in

2018-19 up by 39% on the previous year. Consequently, expenditure on temporary accommodation is rising, from £7.38m in 2017/18, £9.37m in 2018/19 and £10.13m in 2019/20.

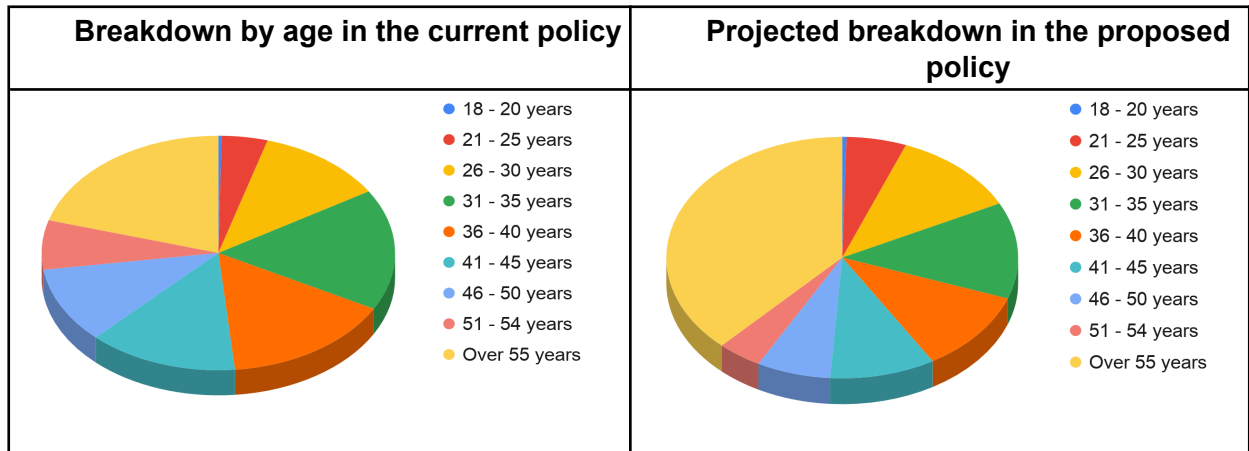
- 3.3. Conversely the existing Housing Register includes approximately 2900 applicants who have no housing need. Residents who applied under previous Allocations Policies were allowed to retain their place on the register even if they did not satisfy the amended eligibility criteria.
- 3.4. The number of social lets that are becoming available are low in comparison to this level of demand; in 2018-19 only 640 properties were made available to let, down from 1132 the previous year and 1229 in 2016/17. This is particularly true for households seeking larger accommodation; in 2019/20 only 32 three bedroom properties and 20 four bedroom properties became available.



- 3.5. This has a consequential impact on waiting times. Households in the urgent band will wait an estimated seven years to be housed, while homeless households are waiting an average of four years. However, there are a number of caveats attached to this average waiting time as this will vary significantly depending on the number of households in each band and the size of accommodation required.
- 3.6. From the data we hold with regard to ethnicity, the impact of the proposed changes is likely to be marginal:



3.7. With regard to the age profile of those on the register, older households (over 55's) make up a higher proportion of those on the register after the proposed changes:



3.8. However, this picture is skewed as it is a reflection of the prevalence of this client group within the proposed Band C, where applicants are seeking specialist accommodation such as older people's housing. If we exclude over 55's from the analysis, the spread of households through the age bands remains relatively unchanged.

#### 4. Equality Impacts

4.1. **What positive impact could there be overall, on different equality groups, and on cohesion and good relations?**

4.2. Changing the lettings policy as proposed is predicted to have a neutral equalities impact. The difficulties faced by some client cohorts in accessing social housing will not be worsened as a consequence of changing the lettings policy as outlined, as these issues are driven by the limited supply rather than how properties are allocated. Those who will drop off the Register (or will no longer be able to access the Register) are already extremely unlikely to be rehoused under the current scheme.

4.3. However, we have taken this opportunity to try to improve the clarity of the narrative within the document and to remove any ambiguity as to the policy intention or as to how the policy will be implemented. This will improve the accessibility of the policy document.

4.4. Where the changes proposed do impact on the operation of the lettings policy, they have been to ensure that vulnerable households are able to access the Housing Register, and that they receive an appropriate level of priority. We recognise that in the light of the ongoing welfare reform programme, government policy on housing and the robust private housing market in the borough the demand for social housing will increase significantly. The changes proposed to the Lettings policy are aimed at ensuring that all sectors of the community are able to apply to the Housing Register and that the council's limited stock of social housing is allocated appropriately to those in particular need.

- 4.5. In identifying medical priority, officers will always take an evidence based approach. The advice from qualified medical practitioners, such as the General Practitioners working with the Now Medical service, and occupational therapists employed directly by the Council will inform the decision making process. In addition, Officers work with colleagues in the Council's multi-disciplinary teams to try to ensure that a complete understanding of the household circumstances is taken into account.
- 4.6. Work has already started on embedding the medical criteria for the housing register and rehousing options with the neighbourhood MDT model to ensure that residents with medical conditions are clear on the options available to them and GP's have a greater understanding.
- 4.7. Focusing on young, single households, The Young Futures Commission have made several recommendations regarding education and advice on housing options. The Benefits and Housing Needs service have shared relevant information and options with Young Hackney and Hackney Education, and will work with them on taking this forward.
- 4.8. With regard to the family structure of households currently on the Housing Register, we know that among the households approaching the Council as homeless, a disproportionate number are single parent households. Within the proposed policy, these families will not lose their opportunity to join the Housing Register and they will benefit by the renewed focus of the revised register on those with the highest level of need.
- 4.9. Officers will continue to monitor how the Lettings Policy operates to ensure that no sectors of the community are marginalised or adversely affected.
- 4.10. **What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**
- 4.11. The lettings policy is being amended in response to developments in government housing policy and the impact this has on demand for social housing within Hackney. The changes are intended to ensure local residents are aware of the range of housing options available to them and to ensure that those with the greatest needs obtain social housing.
- 4.12. The largest effect of the changes will be to exclude a significant number of residents from the housing register who would have qualified under the existing policy. However as those residents would not have had any realistic prospect of securing social housing the effect of changing the eligibility criteria is minimal.
- 4.13. Where the changes do impact on the operational implementation of the policy, these have no or only a marginal impact on protected groups:
- 4.14. Age – With regard to older households (those over 55), the improved clarity will allow these households to make more informed choices when bidding.
- 4.15. Disability – A person has a disability for the purposes of the Equality Act 2010 if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. This means that, in general: the person must have an impairment that is either physical or mental ; the impairment must have adverse

effects which are substantial; the substantial adverse effects must be long-term ; and the long-term substantial adverse effects must be effects on normal day-to-day activities

- 4.16. The allocations policy takes into account not solely an applicant's medical condition but also the impact of their housing on their condition and the likely impact of alternative accommodation.
- 4.17. The proposals indicate that the majority of applicants who are considered disabled within the meaning of the Equality Act and whose housing has a detrimental effect on that condition will retain eligibility and priority for adapted/accessible housing.
- 4.18. Some applicants who have lower medical needs may not qualify for the housing register under the proposed scheme. The Council intends to increase support and information for residents to access Disabled Facilities Grants and Occupational Therapist advice through Adult Social Care to enable residents to remain in their existing homes. For social housing tenants this will also include additional support to enable mutual exchange and transfer.
- 4.19. The proposed policy provides clarity as to the medical priority criteria and the suggested improvements to signposting and advice will assist households with disabled members to get a better understanding of how the policy works and the support available to them.
- 4.20. Ethnicity – Paragraph 3.5 contains a breakdown of the current Housing Register caseload. We do not envisage that there will be any adverse impact on the grounds of ethnicity as a consequence of the changes to the Lettings policy.
- 4.21. Access to decent affordable housing is an important issue in a borough with significant levels of deprivation, particularly for black and minority ethnic households who face additional prejudices. The council will continue to lobby central government to deliver genuinely affordable homes. The council will also support residents through employment and training schemes and financial measures to improve access to suitable accommodation in the private rented sector.
- 4.22. Gender - We do not envisage that there will be any adverse impact on the grounds of gender as a consequence of the changes to the Lettings policy.
- 4.23. Sexual orientation – The Policy does not require that applicants disclose their sexuality and it has no impact on the priority of applicants or the allocation of housing. We do not envisage that there will be any adverse impact on the grounds of sexuality as a consequence of the changes to the Lettings policy.
- 4.24. Religion or belief - We do not envisage that there will be any adverse impact on the grounds of religion or belief as a consequence of the changes to the Lettings policy.
- 4.25. Pregnancy and maternity - We do not envisage that there will be any adverse impact on the grounds of Pregnancy or Maternity as a consequence of the changes to the Lettings policy.
- 4.26. Gender reassignment - We do not envisage that there will be any adverse impact on the grounds of gender reassignment as a consequence of the changes to the Lettings policy.



4.27. Marriage and civil partnership - We do not envisage that there will be any adverse impact on the grounds of marriage/civil partnership as a consequence of the changes to the Lettings policy.

## **STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS**

### **6. Equality and Cohesion Action Planning**

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example,

- Steps/ actions you will take to enhance positive impacts identified in section 4 (a)
- Steps/ actions you will take to mitigate against the negative impacts identified in section 4 (b)
- Steps/ actions you will take to improve information and evidence about a specific client group, e.g. at a service level and/or at a Council level by informing the policy team ([equality.diversity@hackney.gov.uk](mailto:equality.diversity@hackney.gov.uk))

All actions should have been identified already and should be included in any action plan connected to the supporting documentation, such as the delegate powers report, saving template or business case.

No.	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1	Monitor impacts of all changes	Monitor HR applications and bidding data to identify any change in caseload make up and/or bidding patterns	Quarterly reporting and statutory government returns.	Ongoing and reported 6 monthly	Head of Benefits and Housing Needs
		Monitor whether the policy is helping households make more informed choices.	Quarterly returns	Ongoing and reported 6 monthly	Head of Benefits and Housing Needs
2	Ensure households have the skills necessary to bid for housing effectively	Staff to be given the tools and support to work with local residents who face barriers as a result of language or digital skills and accessibility.	Quarterly returns, feedback from HN officers, analysis of complaints and queries	Ongoing and reported 6 monthly	Head of Benefits and Housing Needs
3	Understand demand from applicants requiring accessible/ wheelchair accessible units to inform Housing Supply Strategy and Capital Build Programme	Regularly measure demand for adapted property and report on changes and trends.	Annual evaluation of HR applications requiring adapted and wheelchair accessible accommodation.	Annual report	Head of Benefits and Housing Needs/ Head of Housing Strategy/ Head of Housing Supply Programme