



## The Public Sector Equality Duty

The Equality Duty requires public bodies to have **due regard** to the need to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

### Protected Characteristics:

- Age
- Disability
- Gender Reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership (elimination of discrimination only)
- Race
- Religion or Belief
- Sex
- Sexual Orientation

**Due Regard** means consciously thinking about the three aims of the Duty as part of the process of decision-making. For example:

- How they act as employers
- How they develop, evaluate and review policy
- How they design, deliver and evaluate services
- How they commission and procure from others

**Advancing equality of opportunity** involves considering the need to:

- Remove or minimise disadvantages suffered by people because of their protected characteristics
- Meet the needs of people with protected characteristics
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low

**Fostering good relations** involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

**Complying with the Equality Duty may involve treating some people better** than others, as far as this is allowed in discrimination law. This could mean making use of an exception or positive action provisions in order to provide a service in a way that is appropriate for people who share a protected characteristic.

### Officers should:

**Keep an adequate record showing** that the equality duties and relevant questions have been actively considered.

**Be rigorous in both inquiring and** reporting to members the outcome of the assessment and the legal duties.



**Final approval of a proposal, can only happen after the completion of an equality impact assessment. It is unlawful to adopt a proposal contingent on an equality impact assessment**

<b>Title of the Assessment:</b>	<b>Housing Allocations Scheme</b>	<b>Date of Assessment:</b>	18/06/13 28/10/13 24/02/14 08/04/14
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### Stage 1 - Setting out the nature of the proposal and potential outcomes.

#### Stage 1 – Aims and Objectives

##### 1.1 What are the objectives of the proposal under consideration?

The scheme describes the criteria that Central Bedfordshire Council uses to prioritise applications for housing in Council homes, homes owned by Aragon Housing Association and homes owned by Registered Providers (RPs) and let through nomination agreements with the Council.

The Council has divided its Housing Register into two main sections, to reflect how lettings will be made. These are:

- General Needs Housing Register
- Older Persons Housing Register

The Allocations Scheme sets out the eligibility criteria for each part of the Housing Register and the criteria used for advertising and letting within these.

The Allocations Scheme describes how the Council prioritizes housing applicants to ensure that those with housing need, as described by the legal definition of “Reasonable Preference” are given access to the majority of available social housing lets. This Allocations Scheme sets out in detail who is and who is not eligible to become a member of the Housing Register and how this assessment is made. It sets out how applicants can apply for housing, how they are assessed and what service standards an applicant can expect to receive.

The **key objectives** of this Allocations Scheme are to:

- Help applicants in housing need to find suitable housing,
- Provide housing applicants in Central Bedfordshire with a fair and transparent system
- Provide an incentive for applicants to seek employment
- To create a simpler system that closes any loopholes or ability for applicants to chase additional priority,
- Make efficient and best use of social housing stock in the area,,
- To encourage applicants to take a measured and long term view on housing options and to take responsibility for planning their own housing provision.

##### 1.2 Why is this being done?

The Housing Act 1996 (as amended), requires Local Authorities to provide ‘Reasonable Preference’ in their Allocation Scheme to people with high levels of assessed housing need. The Localism Act 2011 allows significant control over who qualifies for housing and the priority given to national and locally determined groups that are assessed as being in housing need. These flexibilities are now reflected in the policy.

The Council is faced with a substantial demand for social housing, and an insufficient supply to meet the demand within Central Bedfordshire.



### 1.3 What will be the impact on staff or customers?

#### 1) Section 1 of the Housing Register is for all general needs applicants.

**Normally**, anyone can join the housing register so long as they:

- Over the age of 16 years – conditions apply, see below
- Are in housing need
- Have **lived in the area continuously for the last 3 years OR have worked in the area for the last 6 months**
- Are not guilty of poor behaviour
- Do not owe debt to the Council or to a Registered Provider
- Have poor tenancy history ie non compliance with a previous tenancy agreement
- Do not have a household income of more than £40k per annum (before tax).
- Are not a home-owner

The law requires that **reasonable preference** is given to the following categories:

- People who are homeless, including those who are intentionally homeless and not in priority need
- People who are owed a re-housing duty under the homelessness legislation, where this duty has not been discharged by an offer of private sector accommodation
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds related to a disability
- People who need to move to a particular locality, where failure to meet that need would cause hardship to themselves or to others

In this Allocations Scheme, all of these categories are equal – if an applicant falls into any of the categories, he or she will be admitted to the Housing Register. The categories all have equal standing – having housing circumstances that cover more than one of those categories does not warrant additional priority.

Encouraging housing applicants that are out of work, to seek work is a key aim of this Allocations Scheme. To facilitate this, **applicants who are working will be given priority for vacancies** above applicants who are not working. Applicants who are not in work, will be given advice and practical assistance in finding work from the housing options team and by other key agencies in order to give them better prospects of re-housing via the Housing Register

If the applicant's employment status changes they may be allowed to retain the priority as long as there is a realistic prospect of re-employment. The decision will take into account their previous employment history, age of the applicant and other relevant factors. However they must have been in employment for at least 16 hours a week for 3 months at the time of the offer of accommodation. [Following consultation this aspect of the policy has been revised. If an applicant's employment status changes they will be reassessed and their prospects for re-employment will not be taken into account.](#)

Where an applicant is self employed, they must provide proof of their self employment status and still satisfy the criteria at the point of offer. This must be evidenced through documented tax returns.

Applicants who are in training or who are volunteering will not attract the employment priority. [Following consultation this aspect of the policy has been revised and volunteering will now count as employment.](#)

#### **Connection due to employment**

Where an applicant wishes to move to the CBC area because of employment, they will be included on the Housing Register. This includes two types of applicant:

- Where they already have a job in the CBC area
- Where they have an offer of a job in the CBC area and need to relocate in order to take up that



offer

The following conditions apply:

- The employment must be permanent employment and not a temporary fixed term contract. Short term or agency work does not qualify for inclusion
- The employment must be for a minimum of 16 hours a week
- Applicants may be self-employed with their business base in Central Bedfordshire.

### **People earning a high salary or significant assets**

Applicants will not be entitled to join the housing register where the household income is greater than £20k per annum [for a single person and based on a sliding scale for families](#). This figure, set as of 31<sup>st</sup> March 2013, will be increased annually by the rate of RPI. If the income threshold is exceeded following application to the Housing Register, the application will be cancelled

### **Deliberately worsening circumstances to gain extra priority**

Although relatively uncommon, it is appreciated that some people deliberately make their housing circumstances worse to give themselves an advantage over others. Examples include moving into accommodation that is unsuitable on health grounds and then applying for a medical priority, or moving others into their home to receive an overcrowding priority. Appreciating the inequity of this to the many others who ask to be assessed in line with the policy and who are simply waiting their turn, the Council takes this very seriously.

Those who engineer their own circumstances so as to get an extra advantage over others will be penalised by the Council removing their application from the housing register for a period of 12 months and then reassessing the application on genuine circumstances upon reapplication

**2) Section 2 of the Housing Register is for applicants over the age of 50 years** who wish to apply for supported housing for older people. This includes sheltered housing and extra care accommodation, including shared ownership properties. Vacancies that fall within this category will only be open to this group of applicants.

Older people wishing to apply for general needs vacancies (flats) or older persons designated bungalows, who are in housing need may also apply for accommodation through the General Needs Housing Register.

**Sheltered housing** - There are no eligibility restrictions for this type of accommodation as there is a reasonable amount of supply of housing.

**Extra Care Schemes** - Extra care schemes are very popular and attract a high number of applicants. Therefore the same eligibility criteria applies as for the general needs housing register.

### **The Banding Scheme applies to all housing register applicants– General Needs Applicants and Sheltered Accommodation Applicants.**

Applicants who apply to join the Housing Register will have their housing need assessed, and will be given a priority band if sufficient housing need exists. Where an applicant has no housing need, they will not be registered. Bands are the Council's way of making sure that homes go to people most in need. The bands take into account the people the Council has to give preference to by law and those people considered to attract additional preference for housing by the Council.

The Allocations Policy contains 2 bands.

### **Band 1 – Emergency Need to Move. Reasonable Preference plus Urgent Priority**

- Armed Service Personnel with urgent housing need



- Emergency medical or disability
- Release of adapted property
- Under-occupation
- Statutorily overcrowded
- Private sector property that is in a seriously defective condition likely to significantly impact upon the health and/or safety of an occupant.
- Decant of Council Tenants where demolition is approved
- Urgent management move - facing a life threatening situation

## Band 2 – Reasonable Preference

- Armed Service Personnel
- Homeless households owed a duty by CBC
- Overcrowded households
- Medical grounds
- Living in unsatisfactory housing lacking basic facilities
- Hardship / welfare / exceptional need to move for care or support or housing need due to age
- People who need to move to avoid hardship - includes low paid workers who live in the private rented sector, who struggle to make ends meet and as a result experience hardship.
- Ready to move on from supported housing scheme

Applicants in Band 1 will be shortlisted above applicants in Band 2. Working applicants in each band will be shortlisted above non working applicants. Where two or more applicants bid on a vacant property and have equal priority, preference will be given to the applicant who has the earliest effective date of application. Where two or more applicants with exactly the same level of priority and effective date on the scheme bid for the same property, a senior officer will make the allocation based on best use of the housing stock and needs of the applicants. A record of how the decision was reached will be kept for the purposes of a robust audit trail

The Council or RP will contact applicants who have been shortlisted for an offer of tenancy. It is the applicant's responsibility to ensure that all contact details are up to date and that they respond within 24 hours to any contact made by the Council. If an applicant does not return contact they will be overlooked for the offer.

An applicant may only include **immediate family** on their application for housing. Immediate family includes:-

- The applicant
- Spouse or partner, including same sex partners. A partner must be established for 12 months before being accepted as a joint application. [Following consultation this aspect of the policy has been removed.](#)
- The applicants children or partner's child(ren), if they are aged under 21 and live with the applicant all the time, or for four or more nights every week. Applicants will be required to provide the Council with formal (Court Order) documentation relating to any agreement that is currently in place regarding residency.

Immediate family does not include an applicants or his or her partners parents, parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends, or lodgers unless they have an extenuating need to live with the applicant

## Review of Applications

It is the intention of the Council to review all cases on the Housing Register annually and this may be extended to review cases more frequently especially where a homeseeker is not actively bidding for properties that are available. Where suitable properties are advertised and a homeseeker fails to bid, after the review has been conducted, the application may be removed from the Housing Register for at



least 12 months. Failure to respond to correspondence in relation to the review will result in the applicant being deleted from the Housing Register. Applicants who are deleted will be notified in writing. If good reason can be shown why there was a failure to respond to the review within 6 months of the application being closed then the application may be reinstated.

### **Housing Needs Panel**

The Housing Needs Panel sits once a fortnight or more frequently if required, and will make decisions on the following areas:

The Housing Needs Panel primarily considers cases that have an urgent need to move but which do not fall within other priority categories. Cases considered should be either Council tenants on the Housing Register, Transfer List or homeowners wishing to join the Housing Register.

Urgent need is defined as a situation where there is a substantial risk to the applicant or a member of their household in remaining in their current housing situation or in other exceptional circumstances not covered by existing policies.

The Panel consists of:

- Head of Housing Needs(CHAIR)
- A Housing Needs Team manager
- Head of Housing Management

The Panel may decide on a joint agency approach in order to determine the best course of action, particularly where an urgent move can be avoided and other solutions are to be considered. For example in case of self neglected or where there are safeguarding issues. There is no process of appeal.

### **Refusals of Offer**

A refusal will include both verbal and written refusals, including those made prior to a formal written offer being issued. Due regard will be given to the individual's circumstances and the reason for refusal of the property. Failure to attend an arranged accompanied viewing will be treated as a refusal

### **Letting Adapted Properties**

It is proposed that applicants with mobility difficulties and who have a need for adapted or accessible accommodation will be assessed in accordance with the Accessible Housing Register guidance (AHR ) and will be restricted to properties that match their assessed need.

### **Data Protection**

When an applicant applies to the Housing Register, the Council will seek only information that they require to assess the applicant's application and housing needs.

## **1.4 How does this proposal contribute or relate to other Council initiatives?**

Reforms in related areas such as to rent models, allocations policies and measures to address homelessness also impact and in some case overlap with tenure issues. In preparing the Strategy, the Council has therefore had regard to its current Tenancy and Homelessness Strategies, which is required by Government. Consequently, Central Bedfordshire Council has produced a local Housing Green Paper which should be read in conjunction with the Tenancy Strategy and seen in the same light. The Green Paper sets out the complete vision for housing in Central Bedfordshire and like the Tenancy Strategy, is very much evidence based.

The Council's Economic Development Plan includes a focus on creating jobs and supporting people into work.





The Council's All Age Skills Strategy aims to help Central Bedfordshire fulfil its economic potential through addressing a number of skills priorities. This includes priorities around developing the future and current workforce and around raising individuals' aspirations and achievements. It aims to ensure that local people have the skills required by local businesses to secure employment opportunities, whilst supporting the development of the existing workforce to facilitate business growth.

The Council's Child Poverty Strategy includes an objective to maximise opportunities for families in poverty to access employment by developing employability and job readiness skills.

### **1.5 In which ways does the proposal support Central Bedfordshire's legal duty to:**

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

The draft policy includes a number of positive provisions for vulnerable groups for example in relation to disability, domestic violence, carers, looked after children, foster carers, helping people escape the bedroom tax, helping low paid workers who may have families and be living in poverty etc. Further details are provided in section 2.5.

### **1.6 Is it possible that this proposal could damage relations amongst groups of people with different protected characteristics or contribute to inequality by treating some members of the community less favourably such as people of different ages, men or women, people from black and minority ethnic communities, disabled people, carers, people with different religions or beliefs, new and expectant mothers, lesbian, gay, bisexual and transgender communities?**

In developing the strategy appropriate consideration needs to be given to the longstanding and persistent barriers certain groups can experience in accessing employment and training opportunities. The strategy needs to provide more clarity in relation to what is meant by the terms incentivising work and encouraging tenants to seek employment.

Some groups with protected characteristics are also more likely to be represented in social housing and so careful consideration must be given to the potential impact if changes in eligibility criteria are made. These groups may also need a range of additional support.

**Stage 2 - Consideration of national and local research, data and consultation findings in order to understand the potential impacts of the proposal.**

**Stage 2 - Consideration of Relevant Data and Consultation**



**In completing this section it will be helpful to consider:**

- **Publicity** – Do people know that the service exists?
- **Access** – Who is using the service? / Who should be using the service? Why aren't they?
- **Appropriateness** – Does the service meet people's needs and improve outcomes?
- **Service support needs** – Is further training and development required for employees?
- **Partnership working** – Are partners aware of and implementing equality requirements?
- **Contracts & monitoring** – Is equality built into the contract and are outcomes monitored?

**2.1. Examples of relevant evidence sources are listed below. Please tick which evidence sources are being used in this assessment and provide a summary for each protected characteristic in sections 2.2 and 2.3.**

**Internal desktop research**

<input type="checkbox"/>	Place survey / Customer satisfaction data	<input type="checkbox"/>	Demographic Profiles – Census & ONS
√	Local Needs Analysis	√	Service Monitoring / Performance Information
<input type="checkbox"/>	Other local research	<input type="checkbox"/>	

**Third party guidance and examples**

√	National / Regional Research	<input type="checkbox"/>	Analysis of service outcomes for different groups
<input type="checkbox"/>	Best Practice / Guidance	<input type="checkbox"/>	Benchmarking with other organisations
<input type="checkbox"/>	Inspection Reports	<input type="checkbox"/>	

**Public consultation related activities**

√	Consultation with Service Users	√	Consultation with Community / Voluntary Sector
√	Consultation with Staff	<input type="checkbox"/>	Customer Feedback / Complaints
<input type="checkbox"/>	Data about the physical environment e.g. housing market, employment, education and training provision, transport, spatial planning and public spaces		

**Consulting Members, stakeholders and specialists**

√	Elected Members	√	Expert views of stakeholders representing diverse groups
<input type="checkbox"/>	Specialist staff / service expertise	<input type="checkbox"/>	

*Please bear in mind that whilst sections of the community will have common interests and concerns, views and issues vary within groups. E.g. women have differing needs and concerns depending on age, ethnic origin, disability etc*

**Lack of local knowledge or data is not a justification for assuming there is not a negative impact on some groups of people. Further research may be required.**

**2.2. Summary of Existing Data and Consultation Findings: - Service Delivery  
Considering the impact on Customers/Residents**





- **Age:** e.g. Under 16 yrs / 16-19 yrs / 20-29 yrs / 30-44 yrs / 45-59 yrs / 60-64 yrs / 65-74 yrs / 75+

The UN Principles for Older Persons includes:

- Older persons should be able to live in environments that are safe and adaptable
- Consideration of personal preferences and changing capacities

#### **National Research:**

##### **Housing:**

- 21 per cent of people over 65 live in social housing,
- 24 per cent of people aged 75 or over live in social housing
- Older people can live in some of the worst housing in the country, often inappropriate to their changing needs

##### **Employment:**

- Many retired people regard themselves as having been forced to some degree to retire when they did, for example because of the onset of disability.
- Gender related issues contribute to the factors that inhibit continued work (health for men, caring responsibilities for women) and the kind of work options available
- 62% of over fifties feel they have been turned down for a job because they are considered to old, compared with 5% of people in their thirties
- more than 15% of the youth population is not in education, employment or training

#### **Local Research: Local Economic Assessment:**

- People aged 16-24 years old claiming Job Seekers Allowance is still high at 24.2% in April 2013 however has fallen from 26.7% in April 2012

#### **Local Consultation Sheltered Housing Standard 2013 :**

Information captured from the questionnaire and consultation event indicates that further consideration should be given to matching / placing tenants in schemes where the profile and circumstances of existing tenants more closely mirrors their own. For example, consultation event attendees raised concerns that the age criteria for sheltered housing is too low; currently set at 55 years of age and above. Younger residents tend to be single, working men, some of which present as being vulnerable (including with mental health issues). However, the general profile of SH residents are widowed women their mid seventies. It was felt that this mix in age and circumstances was causing problems within some schemes and that the needs of younger residents could be met in alternative housing or specific schemes.

#### **Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:**

45% of respondents were aged 55 years or over

- **Disability:** e.g. *Physical impairment / Sensory impairment / Mental health condition / Learning disability or difficulty / Long-standing illness or health condition / Severe disfigurement*

#### **National Research:**

##### **Housing:**

- Disabled people are twice as likely to experience worklessness as non-disabled people, they are more likely to live in unsuitable or inaccessible housing without essential amenities
- There is a serious shortage of accessible housing for disabled people, leading to a lack of choice and inappropriate housing

##### **Qualifications:**

- According to Alkire et al, 2009:231, participation in adult learning by individuals with disabilities is half the rate of those without a disability (46% in Great Britain for non-disabled, 23% for disabled)

**Employment:**

- Disabled people are generally more likely to be out of work,
- They are also more likely to exit work and, once out of work, they are less likely to move back into employment than non-disabled people and other groups.
- People with mental health conditions and people with learning disabilities have the lowest employment rates. They are more likely to be economically inactive and are therefore further from the labour market than people with other forms of disability

**Local Research: Local Economic Assessment:**

- Disabled women in Central Bedfordshire have a higher economic activity rate (68.2 %) than nationally (52.3%). However the economic activity rate for disabled males of working age is lower at 59.2% compared to 61.4% in England
- Employment rate of non disabled females in Central Bedfordshire was 13.4% higher (70.2%) than females who are disabled which stood at 56.8% in December 2012

**Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:**

19% of respondents stated that they had a disability

**One stakeholder commented in relation to employment status:**

*"This in itself excludes many of the vulnerable who require social housing - those who are long term unemployed with poor employment prospects and particularly those who are too ill or disabled to actually work but considered to be able to engage in "work-related activity". In not excluding that group of people from the 'work test', CBC has shown complete ignorance of how the ESA benefit system actually works. Those in the work related activity group cannot currently be expected to work, their doctor supports this as they will have initially signed them off work, and the DWP has also accepted this through medical examination tests (and/or Tribunal involvement). 'Work-Related Activity' means at best considering what options they will have in future for work and what they can do despite their illness or disability to help themselves towards that. Support Group status does not equal disabled either; someone undergoing chemotherapy will also fall into the support group for example.*

*For CBC to punish people for being in this position of being too unwell to work but not extremely unwell is highly irregular to say the least.*

*It in effect turns social housing from a provision for those in need, into a provision awarded to a privileged group of people who, aside from their housing need, meet a particular set of circumstances. the policy needs to at very least exclude ESA Work-Related Group recipients from being penalised by the work test, even better would be any recipient of ESA because those newly claiming or appealing a decision will still be being supported by their GP as unable to work."*

**- Carers:** *A person of any age who provides unpaid support to family or friends who could not manage without this help due to illness, disability, mental ill-health or a substance misuse problem*

**National Research:****Employment:**

- Between 46% and 62% of carers are not getting adequate services to help them work.
- Less than half of 'longer-term' carers aged 16-64 were in paid employment: 45% of those caring for 1-19 hours per week; but only 21% of those with the heaviest caring roles.
- Only just over half (56%) felt their employer was carer-friendly and supportive.

**Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:****One stakeholder commented;**

*It discriminates against any culture which views looking after parents as important. Although it says it will make exceptions where the parent or whatever relative has an extenuating need to live with the applicant, it is not clear what extenuating means or how they will come to this decision. I think the*



*implication is they don't want to consider it unless the person is unable to care for themselves and that is the reason. It is not inappropriate that someone in their 50s may wish to have their parent in their 70/80's living with them to look after them even though they are not extremely disabled or unwell.*

**- Gender Reassignment:** *People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex*

**National Research:**

**Housing:**

- Trans people may be particularly at risk of housing crisis and homelessness arising from transphobic reactions and harassment by family, neighbours and members of their local community.

**Employment:**

- Trans people are more likely than others to experience difficulty in finding work or retaining it if their background becomes known to others. High numbers report feeling obliged to change jobs because of workplace harassment and abuse. (EHRC)
- They have been found to be in jobs that are below their skills and educational capacity and appear more likely to work in lower-paid and insecure employment in the public sector, or to be self-employed

**- Pregnancy and Maternity:** *e.g. pregnant women / women who have given birth & women who are breastfeeding (26 week time limit then protected by sex discrimination provisions)*

**Qualifications:**

- Teenage mothers are 20% more likely to have no qualifications than older mothers (aged 24 plus).
- A survey of 122 recruitment agencies revealed that more than 70% had been asked by clients to avoid hiring pregnant women or those of childbearing age
- One in 7 women are made redundant after maternity leave
- a tenth had been replaced by the person who had covered their maternity leave
- The campaign group Maternity Action said the number of new mothers seeking advice over discrimination had doubled every year for the last three years since the economic downturn.
- In 2005 research found 30,000 women each year lost their job as a result of unlawful pregnancy discrimination.

**- Race:** *e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other*

**National Data:**

**Housing:**

- 26 per cent of ethnic minority households live in social housing

**Housing - Race Equality Foundation:**

- The black and minority ethnic populations, and their proportion of England's overall population, are growing. The demand for affordable housing from black and minority ethnic households is likely to increase in the future
- High house prices, together with tightened credit regulations and lending criteria, have made it increasingly difficult for newly formed households to access home ownership. This may lead to lower home-ownership rates in the future, especially among Pakistani and Bangladeshi populations
- The locational preferences of black and minority ethnic households are changing, but fear and threat of racism continue to restrict black and minority ethnic households' area choice
- Although cultural preferences regarding the design of the dwelling continue to exist, preferences are



generally influenced more by household size and type than by ethnicity per se

- Bilingual and culturally sensitive services are of great importance, especially to recent migrants and to older people born outside the UK.
- Large properties of four or more bedrooms form only 2% of England's social housing stock (SEH, 2005- 2006), making it difficult for large households to access suitable properties in the social rented sector, especially via mainstream service providers. Like white British households, most BME households with children want or need larger homes (with three or more bedrooms), preferably with gardens. If the number of children is high, an even larger home is required. At the moment, overcrowding is common among certain BME groups in both the social rented and the private sector (London Housing, 2004; SEH, 2003-2006). In fact, overcrowding caused by inability to afford sufficiently large homes in the private sector may well be one of the key reasons for BME populations' high interest in social rented housing.

**Qualifications:**

- Attainment amongst some ethnic minority groups, including individuals from Black, Pakistani and Bangladeshi communities, is below that for the population as a whole.
- Black Caribbean people stand out as having lower levels of functional literacy even among those for whom English is a first language. For other ethnic groups, the level of basic skills is similar for those that have English as a first language.
- In some ethnic and religious groups there are large numbers of women without any qualifications: Among Black Caribbean women, Mixed Race women and Muslim women, between a quarter and a third have no qualifications compared to 1 in 8 White women. Large groups of Pakistani and Bangladeshi men have no qualifications. Nearly 1 in 3 Bangladeshi men and 1 in 4 Pakistani men are in this situation compared to 1 in 8 White men.
- Attainment is particularly low amongst individuals from Gypsy and Traveller backgrounds

**Employment:**

- Overall black and minority ethnic people are more likely to be unemployed, irrespective of their qualifications, place of residence, sex or age. They are less likely to hold senior management positions. (Equality Review (ER))
- Recent experiments show clear evidence of discrimination in whether people are offered employment opportunities, with interviews depending on the apparent ethnicity in their CVs.(National Equality Panel)
- People from an ethnic minority community are 13% less likely to find work than a white person. (Labour Force Survey 2008)
- Pakistani and Bangladeshi women with the same characteristics as White women are 30% more likely to be out of work. (ER)
- Black African and Bangladeshi men, can also experience significant employment penalties. (ER)
- Gypsies and Irish Travellers can face barriers to employment due to low literacy levels. (Commission for Race Equality)
- Based on current rates of progress it is predicted that it will take nearly 100 years for people from ethnic minority communities to attain the same job prospects as white people. (Government Equalities Office)

**Central Bedfordshire Population Data;**

Ethnic group	2011		2001
	Number	%	%
White	238,700	93.8%	97.3%
- White British	228,100	89.7%	94.0%
- White Irish	3,100	1.2%	1.3%
- White Gypsy or Irish Traveller	500	0.2%	n.a.
- White Other	7,000	2.8%	2.0%



Mixed	4,800	1.9%	0.9%
Asian or Asian British	6,400	2.5%	1.1%
Black or Black British	3,600	1.4%	0.5%
Other ethnic group	900	0.3%	0.2%
<b>Total</b>	<b>254,400</b>		

#### Local Research: Local Economic Assessment:

- A greater proportion of Black/African/Caribbean and Black British people work in lower managerial, administrative and professional occupations in the area than nationally

#### Local Research: Central Bedfordshire Labour Market Inequalities Report:

- While there is a smaller proportion of people from an ethnic minority in the CB area than nationally, a higher proportion of them are in employment compared with the British white population.
- British white women aged 16-64 have employment rates of 66.8% compared with their ethnic minority counterparts, who have an employment rate of 85.6%.

#### Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:

77% of respondents were White: British and 13% of respondents preferred not to state their ethnicity

- **Religion or Belief:** e.g. *Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other*

#### National Research:

##### Housing:

- Certain faith groups tend to have larger families and therefore require larger dwellings

##### Qualifications:

- According to the 2001 Census however, 23.5% of Muslims and 28.9% of Sikhs aged 16 to 24 had no qualifications. This compares to 15.8% of Christians and 11.7% of Hindus. Similarly, the percentage of young Muslims and Sikhs qualified to level 2 is also lower. There is variation by age however, with a lower proportion of Muslims aged 50-59 having no qualifications than Christians, Hindus and Sikhs.

##### Employment:

- Only 61% of Muslim men have jobs compared to 80% of Christian men and 82% of Hindu men. (Government Equalities Office)
- There is emerging evidence that Indian and White Muslims experience employment disadvantage when compared to Indian and White Christians

#### Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:

51% of respondents' stated their religion or belief was Christian and 30% of respondents stated they had no religion or belief.

- **Sex:** e.g. *Women / Girls / Men / Boys*

#### National Data:



**Housing:**

- Many women live alone with the proportion increasing, as they get older. Older women living alone are more likely to be living in poverty and provision of appropriate shared accommodation might be financially and socially beneficial for some groups.
- Women-headed households tend to be more reliant on social housing – local authority and housing association accommodation. This applies in particular to lone parent households, 60% of whom live in social housing, compared to 23% of other households with dependent children. For these households, larger size dwellings are more appropriate and can reduce the stress of living in overcrowded conditions.
- The vast majority of homeless and temporary accommodation households are headed by, or include, women.

**Qualifications:**

- Generally, girls perform better than boys educationally. Nationally, in 2009/10, 51.1% of boys achieved five or more GCSE passes at grades A\* to C, including maths and English, compared to 58.6% of girls.
- Only 18% of poor White British Boys achieve 5 or more GCSE passes. Less able boys are virtually unemployable because they lack interest, drive, enthusiasm and social skills
- Women are far less qualified in the older part of the population than men, but are more or less equally qualified below the age of 35

**Employment:**

- Over the last 30 years, three groups below retirement age stand out as suffering particularly large and persistent employment disadvantages or penalties:

1. disabled people;
2. mothers;
3. Pakistani and Bangladeshi women.

They are all significantly more likely to be out of work regardless of their qualifications or where they live. The effect of non-employment in their working years continues to cause these groups additional disadvantage in older age.

- Many women bear the majority of the responsibility for childcare with the result that 44% of women work part time compared to 10% of men. Part-time work can limit career progression; lead to lower pay and reduced pensions. (EOC)
- 38% of mothers and 11% of fathers have left a job or been unable to take one due to caring responsibilities

**Local Research: Local Economic Assessment:**

- Female unemployment rate has continued to increase during 2012 and is now above comparator areas at 8.2% in December 2012

**Local Research: Central Bedfordshire Labour Market Inequalities Report:**

- Women in the CB region are less likely, in relation to men, to have achieved NVQ4+.
- More women than men are without any qualifications in CB than in England as a whole
- For those aged 16-19, female employment is far higher than male employment.
- However, within the 20-24 age band, this is reversed. Female employment rates do not recover after this. This may relate to the age of first maternity
- CB appears to show a highly gendered breakdown in occupations, with more than double the percentage of men in higher managerial, administrative and professional occupations than women.
- For younger women, the major barriers include a desire to be with children when they are small and lack of transport. The desire to be with their children when they are small can be attributed to a variety of causes, including the quality and/or cost of childcare, and a 'maternal desire' to care for them in person. It is not possible to clearly delineate the respective influences each cause has in respect of younger women's choices.
- For older women, health problems, the attitudes of employers and practical issues relating to moving off benefits, internet access, childcare and transport are the biggest problems.

**Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:**

29% of respondents were male, 67% were female and 4 % preferred not to say





**- Sexual Orientation: e.g. Lesbians / Gay men / Bisexuals / Heterosexuals**

**National Research:**

**Housing**

- Some younger LGB people may experience homelessness as a result of having to leave the family home and may live in poor quality accommodation as well as facing hate crime. Older LGB people are 2 ½ times more likely to live alone

**Qualifications**

- 65% of young lesbian and gay people have experienced homophobic bullying. This can contribute to increased truancy and subsequently reduced levels of attainment. Lesbian and gay young people are also more likely to leave school at 16.

**Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:**

78% of respondents stated that they were heterosexual.

**- Other: e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion, Marriage and Civil Partnership**

**1) Poverty / Deprivation National Data:**

**Poverty & Work**

New Policy Institute Analysis of the latest data on poverty in the UK 2013 indicates that

- more than half of the 13 million people living in poverty in the UK in 2011/12 were in a working family;
- while the labour market has shown signs of revival in the last year, the number of people in low-paid jobs has risen and average incomes have fallen – around five million people are paid below the living wage;
- there is substantial movement in and out of work – 4.8 million different people have claimed Jobseeker's Allowance in the last two years;

**Housing:**

- 18% of all households in England live in social housing
- 60% of social housing tenants are economically inactive (31% are retired and 29% are otherwise economically inactive)
- 6% of social housing tenants are unemployed
- There are also large numbers of disabled people, and people on housing benefit living in social housing. Vulnerable groups are concentrated in the social housing sector, where there are low rates of employment and low income levels:
  - The median gross income for households in social housing in 2007/08 was £10,900, compared with £23,320 for households across all tenures.
  - 44% of households in social housing have an annual income of less than £10,000.
  - Only 7% of all households in social housing have a gross annual income of £30,000 or above
- Poverty can lead to **overcrowded and poor quality housing conditions**, placement in temporary accommodation, often in disadvantaged areas where there are insufficient social facilities or public transport levels.
- Children living in such conditions are more likely to experience lower educational attainment and poorer health outcomes. Housing policy can make a real difference to the quality of children's lives, especially those who are living in poor quality, overcrowded and inappropriate accommodation. Dwelling sizes also need to allow for space for children to carry out their homework without interruption and should have sufficient levels of play space and natural light



### Qualifications;

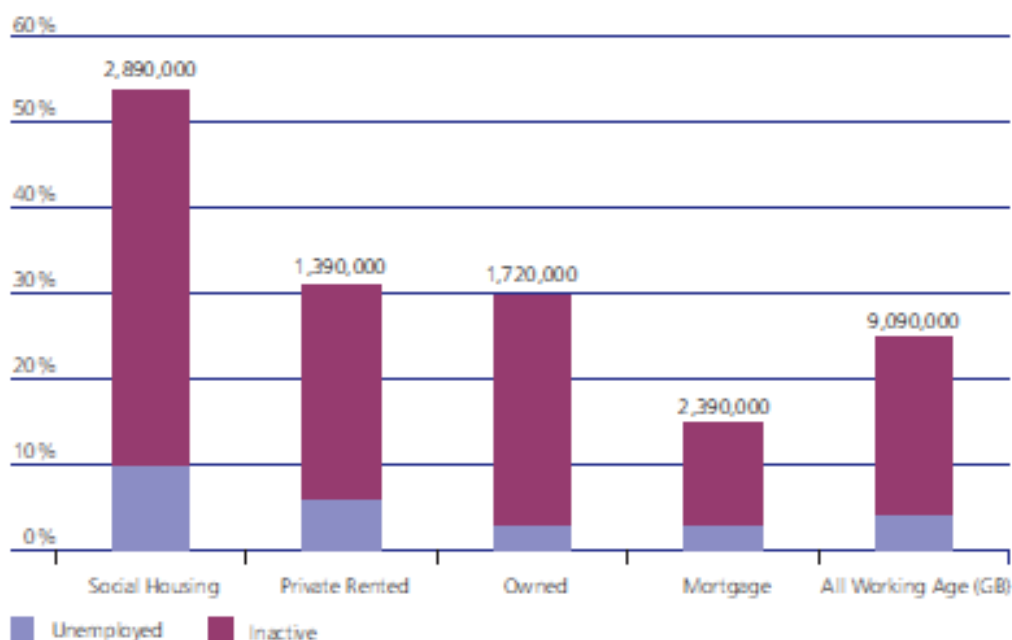
- Poverty and deprivation are strongly linked with educational attainment. Children who grow up in poverty are less likely to achieve qualifications or to go on to higher education. This then has an impact on their employability and contributes to an intergenerational cycle of poverty
- One in eight adults of working age have no qualifications
- A quarter are not qualified to Level 2
- Just under half are not qualified to above Level 2
- One third of adults do not hold the equivalent of a basic school-leaving qualification
- One half of adults (17 million) have difficulty with numbers

### Employment & Living in Social Housing;

(Source Ends and means: The future roles of social housing in England John Hills 2007 - Centre for Analysis of Social Exclusion London School of Economics)

- The employment rates of those living in social housing with particular disadvantages or with multiple disadvantages are substantially lower than those of people with similar disadvantages but living in other tenures.
- Even controlling for a very wide range of personal characteristics, the likelihood of someone in social housing being employed appears significantly lower than those in other tenures.
- Of those with no qualifications, 43% are workless if they do not live in social housing, but 70% of those living in social housing.
- 35% of lone parents are workless outside social housing, but 64% within it.
- For those with none of the specified labour market disadvantages, 13% are workless outside social housing, but 29% within it.

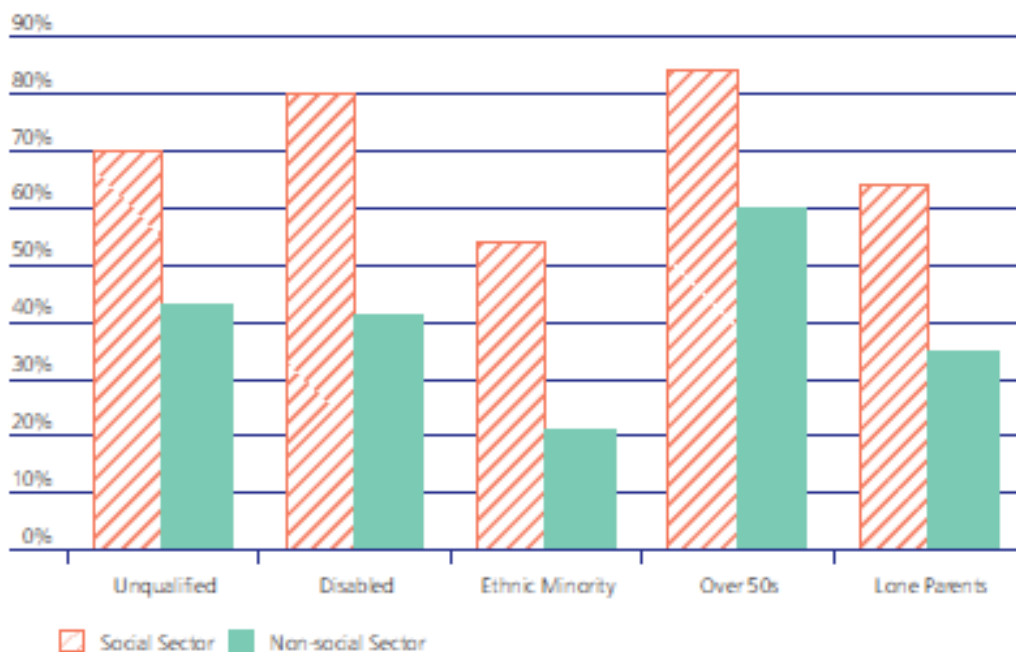
**Figure 10.1** Worklessness by tenure in Great Britain, Spring 2006



Source: Labour Force Survey, Spring 2006. Includes students.



**Figure 10.2** Worklessness by DWP public services agreement target group, Spring 2006



Source: Labour Force Survey.

- Social tenants are more likely to have overlapping disadvantages in the labour market – 37% have two or more disadvantages, compared to 29% of owner-occupiers and 13% of private tenants.
- But for any given number of overlapping disadvantages, those in social housing have lower employment rates. For instance, for those with two of these overlapping disadvantages, the overall employment rate is 53%, but for social tenants, it is less than 33%.
- Current Allocations policies create concentrations of poverty with a detrimental impact on both community cohesion and sustainability.
- Hills recommended an examination of “the way allocations and access policies work to try to reduce the extent to which they are sometimes an engine of polarisation, even within the social housing stock.”

## 2) Child Care Costs and Employment

Families on low-incomes across the UK are having to turn down jobs or are considering leaving work because they can't afford to pay for childcare, according to new research from Save the Children and Daycare Trust. The survey also found that parents, regardless of income, say that they can't afford not to work, but struggle to pay for childcare. And despite many parents cutting back their spending, almost a quarter have got into debt because of childcare costs.

Parents in Britain spend almost a third of their incomes on childcare - more than anywhere else in the world - and such high costs have the greatest consequences for the poorest families. Of those families in severe poverty, nearly half have cut back on food to afford childcare and 58% said they were or would be no better off working once childcare is paid for.

The cut to the working tax credit has also dealt a massive blow to hard working families struggling in severe poverty with four in ten of those affected considering giving up work because they will no longer earn enough to cover the childcare bill. The cut has added on average £500 per year on to the childcare bill of low income families.

### Other key findings:



- A quarter of parents in severe poverty have given up work and a third have turned down a job mainly because of high childcare costs - more than twice as likely as better off parents.
- Of those parents in severe poverty and currently in paid employment the majority (80%) agreed with the statement "Once I have paid for childcare, I am in a similar position to as if I was not working".
- The majority of parents living in severe poverty (61%) said they were struggling to pay for childcare compared to around a third of parents on higher incomes (37%).
- Families in severe poverty were twice as likely as better off families to move home because of the high costs of childcare.
- 26% of parents in severe poverty have been unable to take up education or training because of high childcare costs.
- 63% of parents, regardless of income, say they can't afford not to work but struggle to pay for childcare.
- The costs of childcare are on a par with 41% of families' mortgage or rent payments.
- A quarter of parents, regardless of incomes, said the cost of childcare has caused them to get into debt

### 3) Looked After Children:

- Young people leaving care are one of the most vulnerable groups in our society:
  - they are three times more likely to be cautioned or convicted of an offence
  - they are four times more likely to have a mental health disorder
  - they are five times less likely to achieve five good GCSEs, eight times more likely to be excluded from school and less likely to go to university
- 30% of homeless people have been in the care system.
- For the majority who do stay housed, there's the challenge of balancing college or work with the need to be completely self-reliant.
- 27% of 16 year olds are given council accommodation, benefits and are left to get on with it.
- Almost half of young people leaving care think they are made to do so too early and say they receive very poor preparation for coping with adult life on their own

### 4) Local Housing Data:

The new housing requirement for Central Bedfordshire identified in the 2009 SHMA is:

- 18 000 new units of market housing
- 6 500 new units of social rented housing
- 2 500 new units of intermediate market housing (housing for people who can afford more than a social rent, but cannot afford to buy on the open market).

In 2011, 230 new social rented properties and 140 new units of intermediate market housing were built, exceeding the target to build 300 new affordable homes per year.

At 31 March 2012, there were a total of 4213 households on the housing register for Central Bedfordshire. Of these, 1956 households are in housing need, according to the legal definition.

An estimated 1198 households are under-occupying Central Bedfordshire council tenancies – this is around 20% of tenants. Just over half of these households are aged 65 and over whilst the remainder are headed by a person of working age.

### Lettings of Social Housing:

During 2011-12, there were a total of 1,068 lettings of social housing. These 1,068 lettings include 230 lets of newly built social rented housing, and 838 lettings of social rented properties which became empty because the previous tenant moved out.

Analysis of waiting times shows that on average, the households allocated these properties had been on



the housing register for 40 weeks. Around 80% of households had been waiting for less than one year when they were allocated their property.

More detailed analysis shows that in general, households had longer to wait if they were in low housing need; and that no allocations of two, three and four bedroom houses were made to households in the lowest housing need (in Band 3A). Waiting times were also generally longer for one bedroom properties and 2 bed houses.

Analysis of lettings by location showed that a higher proportion of lettings in the south of Central Bedfordshire were made to applicants with urgent housing need than in the north. Lettings to Band 3 are 63% of all lettings in the north, and 52% of all lettings in the south

Social rented housing is currently allocated through the Choice Based Lettings system, which allows people to bid (apply for) properties:

- Most applicants are from Central Bedfordshire, and Central Bedfordshire applicants are more likely to be successful than people from outside CBC.

For the four months from May to August 2013 there were an average of 2,850 bids (applications) for properties within Central Bedfordshire each month. 58% of these bids were placed by people already living within the area, an average of 1,660 applicants each month

Central Bedfordshire residents are more likely to be successful bidders winning around 75% of properties in the area, or an average of 58 out of the 76 properties let each month.

#### **Housing Register:**

There were a total of 4213 households on the Housing Register in Central Bedfordshire at 1 April 2012. Of these, 1956 are in 'social housing need', in Bands 1, 2 and 3. A further 2257 households are in Band 4. These households are not assessed as being in social housing need. This definition is drawn from the legislation and means those that the law requires us to give reasonable preference to in the allocations scheme. Only 100 of the lettings made in 2011-12 were made to applicants from Band 4.

Where households have had extended waiting times on the housing register, this can be for a number of reasons. It can simply indicate that the household has not been successful in bidding for properties, and that the system has therefore not been able to meet the household's needs. It may also be that the household has been holding out to bid for a particular type of property in a particular area and is prepared to wait for that vacancy to be advertised. However, long waiting times can also be caused by households having a period of 'reduced preference' when they are on the list but unable to bid, for example because of issues with anti-social behaviour. Some very old applications are 'inactive', meaning that the applicant has found their own housing and given up their application, but not told the Council to take their name off the list.

A total of 168 Central Bedfordshire Council tenants were registered for a transfer to a different social rented property at 1 April 2012. Of these, 100 are in social housing need, meaning that their current property is unsuitable for them in some way.

Amongst transfer applicants, 40% of those applicants that are in social housing need have been waiting longer than one year.

#### **Homelessness Demand:**

During 2011-12, Central Bedfordshire Council accepted a full duty to house 169 homeless households. Of these, the majority were homeless because they had been asked to leave their current home by their parents.

During 2011-12, Council officers carried out 523 Homelessness Preventions. This is where a council officer helps the applicant who is threatened with homelessness to stay in their current home, or to make a planned move to alternative accommodation

#### **Allocations to Working & Non Working People and How this Might Change Under the New Policy:**

- All homes are good standard. Some will be "more suitable" than others, depending on personal





circumstances. e.g. distance to school, or a mobility problem.

- Last year, CBC let 860 lets, the year before 1060.
- 10% were to band 4's, so not in the reasonable preference categories i.e. people with low housing need.
- 750 minimum are allocated to the reasonable preference categories.
- On sign up, about 35% of applicants are working. Therefore about 235 homes go to working people and about 515 to non working. Plus about 100 to "no real need at all"
- In modelling, it is envisaged that CBC is not likely to have increasing numbers of people with reasonable preference. The number in the year is reasonably fixed - assume 750 per annum. The question to consider is whether "employed people" will always be at the top of the list, causing not employed people to never be successful.
- It is unlikely that there are enough eligible, "employed people" in Central Bedfordshire, who also fall into a reasonable preference category to cause non employed people to wait (very much longer).
- To put this simply, the employed people who are also in housing need run out very quickly. Plus, CBC will still agree a substantial number of lettings to non working people (about 500).
- It is estimated that average wait times might increase from 40 weeks, for non working people – to a maximum of 60 weeks. Employed people are likely to average a wait of 20-25 weeks

##### 5) Local Research: Local Economic Assessment:

- The jobs growth rate whilst increasing by 700 in 2011 is not keeping pace with the population growth rate. This would need to double in order to meet the Council's aspirations of 1,350 jobs per year in line with the Development Strategy
- Attainment at most NVQ levels has fallen over the past year and there is now a higher percentage of people of working age with no qualifications than national and regional levels for the first time since 2006 at 9.6%
- The unemployment rate has been increasing during 2012 (6.3% in December 2012) in particular for women and young people with levels higher than pre-recession and there remain pockets of deprivation in parts of Central Bedfordshire.
- At the same time, the level of young people not in education, employment or training although lower than nationally and regionally however has witnessed a slight increase
- The cost and provision of public transport remains a significant barrier for residents accessing the local labour market. This is particularly an issue for young people and women.
- **Job density** is a measure of the total number of filled jobs in an area compared to the resident working age population. It reflects the degree to which employment opportunities are available locally. In 2011 the job density in Central Bedfordshire was 0.65, meaning **there are 0.65 jobs for every working age resident**. This means less than 1 job per working age resident. This has risen from a low of 0.60 in 2009, but still remains below all comparator areas, as can be seen in the table below and shows the highly mobile nature of the Central Bedfordshire labour market in terms of out-commuting to high value jobs elsewhere. It has remained the same in both 2010 and 2011

Area	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Central Bedfordshire	0.64	0.63	0.63	0.64	0.65	0.64	0.64	0.65	0.60	0.65	0.65
South East Midlands	0.80	0.79	0.81	0.83	0.83	0.8	0.82	0.81	0.79	0.79	0.80
England	0.8	0.8	0.8	0.8	0.81	0.8	0.8	0.79	0.78	0.78	0.78
East	0.77	0.78	0.78	0.77	0.78	0.78	0.78	0.77	0.76	0.75	0.76

##### Local Research: Central Bedfordshire Labour Market Inequalities Report:

- The downturn in the economy, changing support services for long-term unemployed people and alterations in the types of work and contracts offered has meant that those people who find it harder to get jobs (often for reasons associated with protected characteristics) are increasingly





marginalised

- The report 'Employability and Skills in the UK: Redefining the debate'<sup>1</sup> (2010) suggests that there will be an increasing demand from employers for a 'high skill' workforce
- Labour Market Outlook – Spring 2013<sup>2</sup> identifies that on average 50% of candidates do not feel suitably qualified for low skilled jobs.
- 1000 HR professionals questioned for this survey reported that 29% of the jobs offered in the next quarter would be temporary jobs
- The report also looks at the employability of school leavers, long-term unemployed people, older people nearing retirement, graduates into their first job and lone parents. 24% of employers said that they would not consider recruiting from one or more of these groups, with school leavers being rejected by 14% of employers and long-term unemployed people by 11%.
- The report 'The Three Divides', written in 2010<sup>3</sup> by the Institute of Education, University of London, looks at the major barriers to employment for jobseekers. It focuses initially on literacy and numeracy challenges, but moves on to say that digital illiteracy is an increasing barrier to job seeking and a vital job skill. If individuals do not have this skill or access to technology they are, and will continue to be, marginalised in the employment market.

### Central Bedfordshire Resident Impact Analysis 2013

- An estimated 7,000 people (5.3%) were unemployed in June 2013, lower than the national average of 8.0%. Although there is some fluctuation each quarter, this figure has been relatively stable over the last two years.

### Allocation Policy Local Consultation 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014:

58 respondents (57% of respondents) agreed that people with no housing need should be stopped from joining the housing register

- 68 respondents (67%) agreed that social housing is let to people with a '**local connection**' in Central Bedfordshire
- respondents who did not or did not know 34% if they supported the proposal indicated that 3 years was too long and that peoples individual circumstances should be considered before imposing timescales. Individual circumstances included being closer to an elderly relative or fleeing domestic violence
- 68 respondents, (67% of respondents, supported this proposal people who do not live in Central Bedfordshire can be treated as having a local connection if they have been **employed** in Central Bedfordshire for 6 months
- 62 respondents, (61% of respondents), indicated that they agree with the proposal to introduce a much **simpler system** for banding applicants for housing.
- 67 respondents (66% of respondents) support the proposal, to introduce an '**employment priority**' into its allocations,
- 24 respondents, (23% of respondents), provided qualitative feedback that did not support this proposal and raised issues regarding the current economic climate and that the impact of disability could affect how they will be assessed under the proposed policy.
- Qualitative feedback from staff consultation included concerns of how assessments will be made with regard to people regaining employment and suggesting the inclusion of those people actively seeking employment.
- 82 respondents (80% of respondents) agree with this proposal **to exclude people who are bad tenants from the housing register.**
- 9 respondents, (8% of respondents), did not support the proposal. Qualitative feedback raised concerns about; where excluded people will go; the impact on any younger household members

<sup>1</sup> <http://www.theworkfoundation.com/Reports/273/Employability-and-Skills-in-the-UK-Redefining-the-debate>

<sup>2</sup> CIPD in conjunction with Success Factors – [www.cipd.co.uk/hr-resources/survey-reports/labour-market-outlook-spring-2013.aspx](http://www.cipd.co.uk/hr-resources/survey-reports/labour-market-outlook-spring-2013.aspx)

<sup>3</sup> [www.nrdc.org.uk/digitaldividesummary](http://www.nrdc.org.uk/digitaldividesummary)



and that assessments should be made on a case by case basis

- 87 respondents, (85% of respondents), agree with the proposal to **support low paid workers** who rent their homes from a private landlord
- Qualitative feedback from staff contained mixed views with regard to this proposal. Support was given to the proposal due to the higher rates of rents within the private sector,, counterbalanced by issues with regard to the need to rehouse tenants that are already in adequate accommodation.
- In summary, the majority of the 102 respondents were in support of each of the 10 proposals put forward in the formal consultation. Whilst there was support for the proposals as being fair and welcome, the consultation raised a number of wider issues; that the current banding and assessment and banding system is fair and satisfactory, a new system may make the housing process more complicated as the current economic climate and unemployment levels may impact on the need for social housing and proposed changes to the Allocation Policy.

*One stakeholder commented that:*

- *the **income limit** is too restrictive. It is right there should be an upper limit, but there should be different limits depending on whether it is a couple of single person applying. If there isn't, it will penalise a couple for both working. Two people working full time at minimum wage will earn more than £20k per year.*
- *The policy excludes children over 21 from living with their parents. This is very short-sighted. 3 bed properties currently have a low demand and high supply, and applying this to the policy will basically mean further reducing those that can get 3 bed houses. It will force those applicants to split, meaning the young adult has to apply for a highly in demand 1 bedroom property on their own, alongside perhaps their siblings and parents also, thereby INCREASING demand for social housing*

### 2.3. Summary of Existing Data and Consultation Findings – Employment Considering the impact on Employees - Not Applicable

- **Age:** e.g. 16-19 / 20-29 / 30-39 / 40-49 / 50-59 / 60+ **N/A**

- **Disability:** e.g. Physical impairment / Sensory impairment / Mental health condition / Learning disability or difficulty / Long-standing illness or health condition / Severe disfigurement **N/A**

- **Carers:** e.g. parent / guardian / foster carer / person caring for an adult who is a spouse, partner, civil partner, relative or person who lives at the same address **N/A**

- **Gender Reassignment:** People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex **N/A**

- **Pregnancy and Maternity:** e.g. Pregnancy / Compulsory maternity leave / Ordinary maternity leave / Additional maternity leave **N/A**

- **Race:** e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other **N/A**

- **Religion or Belief:** e.g. Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other **N/A**

- **Sex:** Women / Men **N/A**



- **Sexual Orientation:** e.g. *Lesbians / Gay men / Bisexuals / Heterosexuals* **N/A**

- **Other:** e.g. *Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion, Marriage and Civil Partnership* **N/A**

#### **2.4. To what extent are vulnerable groups more affected by this proposal compared to the population or workforce as a whole?**

Access to appropriate housing is particularly important for reducing inequalities, because too often those who are most disadvantaged are more likely to be living in housing that does not adequately meet their needs. Lack of choice and quality in housing stock means that the most vulnerable communities are often housed in cramped, poor quality accommodation within deprived areas. These areas include high concentrations of people from ethnic minority communities as well as women, older people living alone and families with young children. Poorer families are also more likely to be living in overcrowded housing, with significant health and quality of life implications.

There is evidence that current allocations policies create concentrations of poverty which can have a detrimental impact on both community cohesion and sustainability.

There is longstanding, as well as new and emerging evidence which demonstrates that women (especially mothers whether they are single or partnered), *Pregnant and new / nursing mothers*, disabled people and certain BME / religious groups experience substantial and enduring barriers and discrimination in relation to employment.

Consideration should also be given to whether residency requirements have the potential to indirectly discriminate against BME Groups. The National Code of Practice on Racial Equality in Housing identified that local connection criteria has the potential to disproportionately disadvantage newcomers and outsiders without any local connections and that if the newcomers who want houses are from different racial, ethnic or national backgrounds to people in the local community, a policy with a local connection criteria could have a discriminatory effect. To strike a balance between the legitimate aims of the policy and any discriminatory effects it might have, the Code of Practice highlights that the following questions should be considered in order to determine the scale of any possible discrimination.

***a. How many people in need of affordable housing are excluded by the policy, and what proportions are excluded on racial grounds? How restrictive is the policy in denying access to the housing in question? The more restrictive it is (for example, in the length of residence required), the more likely it is to be unreasonable, and therefore to result in unlawful indirect discrimination.***

Existing central Bedfordshire Applicants by Ethnic Origin - Total 3170

White British 2456	White Irish 22	White Other 112	Mixed White and Black Caribbean 29
Mixed White and Black African 12	Mixed White Asian 9	Other Ethnic Group 6	
Asian Indian 5	Asian Pakistani 4	Asian Chinese 6	Asian Bangladeshi 3
Asian Other 9			
Black Caribbean 33	Black African 63	Black or British Other 14	
Other Ethnic Group Arab 3	Other Ethnic Group Other 8	Refused 25	Blacks 351

77% of existing applicants for social housing are White British compared to 89.7 % of the Central Bedfordshire population. This indicates that BME groups currently have good access to the housing register. It is not currently known how this ratio may change under the revised policy but respondents to the consultation have not indicated a concern that BME groups will be unfairly excluded.



### - Length of residency

There are no datasets that show length of residency in a local authority area, either in total or by ethnic group. The 2011 Census did include questions on length of residency in the UK overall. The majority of Central Bedfordshire residents have lived in the UK for at least 5 years. Just 2% (4,700) have been in the UK for less than 5 years. This is lower than the England average of 4%. However, we do not know whether they have moved within the UK, or remained in the same local authority area. We do not have any breakdown for those born in the UK.

*b. What type of local connection is required? For example, does the applicant have to be born in the area, or have extended family living in the area, or have a job in the area? The more ways an applicant can demonstrate eligibility, the less likely the requirements are to be indirectly discriminatory.*

The Council has adopted simple rules to define a person having a “Local Connection” – they must have lived continuously in the Central Bedfordshire area for 3 years at the time of registration and need to remain resident in the area to preserve that registration, or be in contracted employment in the area and have been for a period of at least 6 years

*c. Are there other ways, besides having a local connection or being a resident, to qualify for the housing? Again, the more restrictive the criteria, the more likely they are to be indirectly discriminatory.*

**There are a number of exceptions to the local connection requirement. These are:**

- A person who is serving in the regular forces or
- A person who has served in the regular forces within five years of the date of their application for an allocation of social housing under Part VI of the Housing Act 1996.
- In a class of people prescribed by regulation who cannot be deemed a non-qualifying person due to a lack of connection to one of the local authority areas. (for example MAPPA, MARAC, Witness Protection, owed homelessness duty as a person fleeing Domestic Violence.)
- A ‘looked after child’ as defined by Children’s Services in another region.
- Giving or receiving care to a member of the family and to be denied access to the housing register would be detrimental to this. The Council will only give access to the Housing Register to somebody where care and support are an issue if there is no one currently living with the applicant who can reasonably provide the support they need.
- Covered by previously agreed reciprocal arrangements with members of the Homefinder Partnership.
- Their residence in Central Bedfordshire has been broken due to placement in an institution or care placement or supported living scheme outside the area; and had this placement not occurred they would have satisfied the residence criteria set out above.
- Applying for sheltered housing
- Existing CBC tenant

*d. Do the restrictions apply to all affordable housing or only a portion of it? If all the affordable housing provided, or a large proportion of it, is bound by restrictions, the more likely the practice is to be indirectly discriminatory.*

One of the key concerns for the Council is making sure it maximizes the supply of affordable housing stock in Central Bedfordshire, and to ensure that it is as affordable as housing finance allows it to be, and that it is appropriately targeted at households who are in genuine housing need. The Council works closely with developers to make sure the type and mix of housing in the area is appropriate.

**The National Code of Practice on Racial Equality in Housing states that when assessing the justification for policies and practices that could have a disproportionate effect on a racial group (or groups), it would be useful to consider the following questions, in the order given below.**

*a. Does the provision, criterion, practice, requirement or condition correspond to a real need?*





The CBC Housing Green paper highlights the following:

- At least 20% of our general needs housing stock is under occupied by one bedroom or more.
- There are 4213 households on the housing register, but only about 55% are actively bidding for properties.
- Current research indicates that around 6,200 more social rented housing units are needed before 2031.
- 55% of new general needs social housing tenants in the CBC area derive their income solely from state benefits and/or pensions.
- Around 120 new housing applications are received each month but only a relatively small proportion of these will be in 'housing need', meaning that the majority of households are suitably housed, but are approaching the Council because (typically) they want accommodation that is either less expensive; or perceived to be 'more secure'.
- Across Central Bedfordshire, it is estimated that there are at least 1500 older person households living in social housing who are under occupying their home (according to official definitions of the number of bedrooms needed by a household).

### Summary

The emerging picture in Central Bedfordshire is one in which the supply of new lettings is broadly aligned to local need. However, there are geographical variations in the alignment of supply and demand; and the available data shows the crucial role of new affordable development, at the level recommended

in the SHMA, in achieving that balance between supply and demand.

The evidence further suggests that reducing under-occupation, and offering time-limited tenancies, will allow the council to meet more housing need from within the existing housing stock, and in turn make better use of the funding available for new housing.

Finally, the emerging picture of need and supply suggests that there is potential to use housing allocations to reward and support employment without unduly compromising the Council's ability to meet the needs of people with reasonable preference.

*b. Does the need pursue a legitimate aim; for example, health and safety?*



The CBC Housing Green paper highlights the following aims:

### THE VISION FOR HOUSING IN CENTRAL BEDFORDSHIRE

- Social mobility will be supported with a range of products which will open up home ownership and 'affordable' renting to a greater number of households, helping people onto the 'housing ladder'.
- The local housing market will offer a good choice of locations, property and tenure types to older people.
- Well-managed, good quality social housing will be used to provide a strong safety net to those who are vulnerable.
- Social housing will be allocated fairly, and used to support people's working lives.
- Social landlords will support their tenants to make the most of their tenancy as a springboard into work and financial stability.

#### *c. Are the means used to achieve the aim appropriate and necessary?*

As part of the development of the vision, detailed needs analysis and extensive engagement with a wide range of stakeholders is being undertaken which is underpinned by equality analysis. The information derived from this process is helping to refine the Council's proposed approach.

#### *d. Is there any other way of achieving the aim in question?*

The Allocation policy should not be considered in isolation, the CBC Housing Green paper highlights a range of initiatives;





There are a number of tasks for the Council to undertake in order to respond to the changes introduced by central government. The key actions over the next three to five years are –

- Adopt a Development Strategy by March 2014.
- Adopt a **Tenancy Strategy** by April 2013, including an Equality Assessment, to mitigate adverse impacts on potentially disadvantaged groups of people.
- Review the Lettings policy, in response to the Localism Act and the Code of Guidance – during 2013.
- Mitigate and manage the impacts of the Welfare Reform Act – ongoing.
- Conduct a homelessness review and produce a new Homelessness Strategy – during 2013.
- Develop a Supported Housing Strategy for Central Bedfordshire – during 2013.
- Develop the Council's Vision for the Landlord Service, which manages the stock of 5200 homes, to support the change agenda – ongoing.

**e. Is there a way of reducing any potentially unlawful discriminatory effect?**

A counsel's opinion was provided to the Midlands Rural Housing Board in 2007.

- *“Two of the examples of lettings criteria are considered to have proportionate qualifying times attached (i.e. 12 months). However other examples are considered to be very restrictive, with a strong possibility of a court finding that it infringes the RRA due to the application of ‘a strong local connection’ and ‘10 year residence’ criteria. In effect this could be deemed to be disproportionate to achieving the legitimate aim. (In short, do you need such strict criteria to ensure that people with a local connection are re-housed? Does this criteria mean a significant group of people, with a local connection are excluded? Does it, therefore, follow that this is unjustified indirect discrimination?)”*

As indicated above the qualifying criteria that is being proposed relates to only 3 years residency or six months employment. There are also a number of exceptions to the residency criteria and for this reason it is therefore not felt that the requirement will have a discriminatory effect.

### Legal Opinion

The draft policy and Equality Impact Assessment and have been referred for legal opinion and the council has been advised in relation to the residency requirement that the exceptions currently identified in the draft policy may not be sufficient and that consideration should be given to include criteria which allows persons with a strong local connection to still qualify for housing allocation. Guidance indicates that this could be framed in terms of strong family association whether by residence or employment of close family members in the area that meets the residence or employment threshold in the policy.

The council has also been advised to consider the inclusion of a general special circumstances exception to the 3 year residence qualifications requirement in the policy which could be referred to the Housing Needs Panel for consideration and decision.



### 3 year residence criteria and persons with learning disability and guidelines on Ordinary Residence of People in Need of Community Care Services

The general issue discussed in the above guidance relates to questions, issues and advice relating to ordinary residence and responsibility of social services authorities in providing care and care packages to persons in need of care residing in their area under the various care statutes that set out and determine the extent of their duties to provide care to persons.

The issue that arises in relation to persons receiving care in CBC's area is that - it is not clear from the policy as drafted - that such persons will not be required to comply with the 3 year residence requirement in the event that they apply for housing assistance as part of, or separate from, their application to social services for care assistance.

The draft policy makes exceptions from the 3 year residence qualification criteria for a variety of persons including those arising from Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Risk Assessment Conferences (MARAC), persons giving care to family member, a looked after child etc. It has therefore been suggested that the issue can easily be dealt with by the express inclusion of persons in receipt of care packages assessed and provided by social services in CBC's area in the list of exceptions to the 3 year residence qualification criteria.

#### 2.5. To what extent do current procedures and working practices address the above issues and help to promote equality of opportunity?

##### 1) Quota Schemes

The Council may choose to make a percentage of annual lets available to certain groups of applicants, via quota schemes. Where this is the case, these will be set out in an Annual Lettings Plan. Groups likely to be subject to a quota include:

- Clients with mental health issues, but ready to move on from supported housing schemes
- Clients with learning disabilities, but ready to move on from supported housing schemes
- Others to be identified as part of consultation with partner agencies

These quotas will be available to the designated service to nominate as a minimum number of properties available for that client group.

##### 2) Applicants with a History of Poor Behaviour

The Council does not allow access to the housing register to those applicants with a history of bad behaviour. This includes any applicant, partner or other member of their household who has been convicted of, or had legal action taken against them for violence, racial harassment, threatening behaviour, any physical or verbal abuse towards staff and residents in the area. Legal action includes relevant convictions, service of injunction, notice of intention to seek possession, a court order or revocation of license to occupy.

Applications will be assessed on their own merits taking into account current and recent conduct along with any relevant supporting information provided by partner organisations, support workers and the Police.

Applications from people excluded under this section will need to demonstrate a change in behaviour. Usually, applications will be reconsidered after 12 months, during which time it must be demonstrated that there has been no repeat occurrence. Earlier reviews may be considered in exceptional circumstances, particularly where a household is engaging with support as part of the "troubled families" programme.

##### 3) Applicants who owe debt to the Council

- The Council will consider whether the applicant still owes arrears/debt, and if they do, the extent of the arrears/debt. Procedures will guide staff decisions in this area.



- The Council will consider whether there are exceptional circumstances (see below). If there are exceptional circumstances then the applicant may not be subject to ineligibility despite the arrears/debt.
- The Council will consider whether the claimant has taken debt advice, acted on it, and entered into and begun to implement any arrangement to clear the arrears.
- The Council will consider whether an arrangement has been made, the amount of arrears paid off, any debt outstanding, and the regularity of any payments made. □
- The Council is keen to only deem applicants ineligible where there has been willful refusal to pay debt.

Those who demonstrate that either they or their family face life threatening circumstances and as a consequence require immediate re-housing, including domestic violence cases, will still be admitted to the Housing Register. Applicants who have been deemed to be ineligible will be able to reapply after 12 months, when another assessment of circumstances will be made.

#### 4) Exceptions to the local connection requirement. These are:

- A person who is serving in the regular forces or
- A person who has served in the regular forces within five years of the date of their application for a allocation of social housing under Part VI of the Housing Act 1996.
- In a class of people prescribed by regulation who cannot be deemed a non-qualifying person due to lack of connection to one of the local authority areas. (for example MAPPA, MARAC, Witness Protection owed a homelessness duty as a person fleeing Domestic Violence.)
- A '**looked after child**' as defined by Children's Services in another region (suggest check wording with the Leaving Care Team at some point).
- Giving or receiving care to a member of the family and to be denied access to the housing register would be detrimental to this. The Council will only give access to the Housing Register to somebody where care and support are an issue if there is no one currently living with the applicant who can reasonably provide the support they need.
- Covered by previously agreed reciprocal arrangements with members of the Homefinder Partnership.
- Their residence in Central Bedfordshire has been broken due to placement in an institution or care placement or supported living scheme outside the area; and had this placement not occurred they would have satisfied the residence criteria set out above.
- Applying for sheltered housing
- Existing CBC tenant

#### 5) Home Owners

Home owners will not qualify to join the Housing Register. However, the Council recognizes that a number of exceptional circumstances will exist where access to the Housing Register should be granted. These exceptional circumstances might include:

- When ownership is shared across more than one person/couple and the option to realise their assets to source their own housing solution is not available
- Households with insufficient equity in the property, so that once sold, they will not be able to resolve their own housing situation (use Bob Line's data here on equity limit?)
- An older person who needs sheltered accommodation or extra care accommodation
- A disabled person whose home is deemed unsuitable for adaptations
- Emergency medical reasons to move e.g. cannot be discharged from hospital.
- Where an applicant is fleeing domestic violence and the ownership of the matrimonial home is still in the hands of the court.

#### 6) Right of Review

The Council will write to anyone who is being excluded from the Housing Register detailing the reasons for this decision. Applicants will have a right to ask for a review of this decision. A fresh application will be considered if:



- The applicants immigration status has changed
- The applicant can demonstrate good behaviour for a minimum of 12 months (see above)
- A minimum of 12 months has passed since the applicant has knowingly given false or misleading information, or withheld information that has been reasonably requested.
- The applicants financial circumstances have changed and income and capital assets reduced below the threshold

### **7) Assisting those Tenants affected by the Bedroom Tax**

The Banding scheme has been designed to give priority to those tenants who need to transfer because they cannot afford to remain in their currently accommodation, because it is too large.

A quota may also be set for transfer applicants. This will enable applicants in housing need to transfer via the housing register – this is particularly important for those affected by the bedroom tax. New lets on new developments may also be set aside for transfer applicants as part of the quota arrangements.

### **8) Tackling Under - Occupation**

Where existing social housing tenants wish to transfer to smaller accommodation, but still wish to retain a “spare bedroom”, they will be registered for a move and allowed to bid for one bedroom in excess of their assessed need. This only applies to tenants transferring to smaller accommodation.

### **9) Low Paid Workers**

The Council wants to support low paid workers who are struggling to make ends meet in the private rented sector. Although these applicants do not attract reasonable preference within the Allocations Scheme, the Council is keen to see that a number of lets are made to these people who have resolved their housing need by renting privately. In order to qualify for this award, applicants shall meet the following conditions:

- Living in private rent accommodation in the area
- Be working
- Be on a low income

A low income is defined as earning less than the gross monthly wage needed in order to be able to afford the average rent for a 2 bedroom house in Central Bedfordshire. This means that a low income is less than £24 000 per annum (before tax), or £2 000 per month.

**10) Where a property has specific adaptations** (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property. Details of adaptations and criteria of applicants who will be given preference will be contained in the advert to allow applicants to make an informed decision whether the adaptation is suitable for their needs

**11) It is intended that applications for the Housing Register can only be made online.** There will be a period of transition to this system during which paper forms will still be available. Applicants are encouraged to complete the online self-assessment followed by the online application form themselves. However, if completed at a Council Office, staff will be available to go through the form or online self-assessment to ensure that the required information is collected. Assistance for clients is also available through support providers if required. These workers will be trained by Council staff. Where necessary, home visits will be carried out to assist in completing application forms.

**12) Bedroom Requirement.** Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirement. Guidance will be sought from a medical practitioner or involved professionals and a determination will be made by the Council on whether additional bedrooms are required.

### **13) People who need to live with someone in order to provide or to receive care or support.**

Applicants can include a person on their application if they need to live with them in order to give or receive care or support. This may include a carer, if no one in the applicants immediate household is able



to provide that care. Applicants will need to explain on their application the reason why the additional person needs to live with them and demonstrate:-

- That they need to be supported or cared for and are dependent on this person (this may be for an elderly relative who requires care or an adult child who is still dependent on as they are in full time education).
- That other satisfactory arrangements cannot be made.
- That the arrangement is 'permanent'.
- The member of the household will need to be resident in the UK.

A carer is someone who, with or without payment, provides care and support to a partner, relative, friend or neighbour who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and the need to live with them or near them.

Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if the carer has been assessed by Adult Social Care as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Adult Social Care.

**14) In exceptional circumstances the Council, delegated as appropriate, may exercise discretion in deviating from the Bedroom Standard.** Examples are:

- Where applicants require larger accommodation on health grounds. This will be considered on a case by case basis, taking into account the advice of a qualified medical advisor.
- Where the applicant has been approved as a foster carer by Children's Services, and so will need a larger property than normally required by the household. Children Services in discussion with the housing Service will determine the property size required.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household

**15) Where an applicant has difficulty placing bids,** help and advice is available from the Lettings team.

### Allocation Policy Consultation Process

CBC formally consulted on its draft Housing Allocations Policy for 12 weeks from 4<sup>th</sup> November 2013 to 31<sup>st</sup> January 2014.

Each of Central Bedfordshire's housing 1500+ applicants on bands C and D (medium need and low/no need), who may be impacted by a change in Allocations Policy, were written to individually to provide notice of the formal consultation and to provide information about they could respond to the consultation.

The formal consultation was managed via a formal consultation document. This was available in paper format; downloadable from the CBC website, or was obtainable by telephoning or writing to the contact details provided in the letters to housing applicants.

CBC staff and elected members were informed about the formal consultation, social media was utilised and press releases were issued to the media to raise awareness of the consultation with Central Bedfordshire residents.

As part of the consultation process for the proposed Housing Allocations Policy the Interim Lead Officer for Housing Needs, representatives from the Housing Register Team and the Senior Estates Officer discussed the proposed Allocations Policy and provided additional qualitative feedback.





In total, 102 people responded to the draft Housing Allocations Policy formal consultation.

25% of respondents were housing register applicants, 16% were council or Housing Association tenants, 6% were from Town or Parish Councils, 10% were professionals, 16% were recorded as “other” and 17% did not include this information

**2.6. Are there any gaps in data or consultation findings**

**2.7. What action will be taken to obtain this information?**

### Stage 3 - Providing an overview of impacts and potential discrimination.

#### Stage 3 – Assessing Positive & Negative Impacts **To be updated following consultation**

Analysis of Impacts	Impact?		Discrimination?		Summary of impacts and reasons
	(+ve)	(- ve)	YES	NO	
<b>3.1 Age</b>					The development of a register related to older people and sheltered housing is likely to have a positive impact. Some young people can experience greater barriers to employment
<b>3.2 Disability</b>					Disabled people can experience greater barriers to employment
<b>3.3 Carers</b>					The policy includes consideration of moves of home that may be required during to caring responsibilities
<b>3.4 Gender</b>					No adverse impacts identified
<b>Reassignment</b>					
<b>3.5 Pregnancy &amp; Maternity</b>					Pregnant and new / nursing mothers can experience greater barriers to employment.
<b>3.6 Race</b>					Some people from BME groups can experience barriers to employment
<b>3.7 Religion / Belief</b>					
<b>3.8 Sex</b>					Single Parents with young children can experience greater barriers to employment
<b>3.9 Sexual Orientation</b>					No adverse impacts identified
<b>3.10 Other e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion</b>					People with lower level skills can experience greater barriers to employment  The cost and provision of public transport and childcare remains a significant barrier for residents





Marriage and Civil Partnership					accessing the local labour market
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#### Stage 4 - Identifying mitigating actions that can be taken to address adverse impacts.

### Stage 4 – Conclusions, Recommendations and Action Planning

#### 4.1 What are the main conclusions and recommendations from the assessment?

##### Conclusion:

The draft policy includes a number of positive provisions for vulnerable groups for example in relation to disability, domestic violence, carers, looked after children, foster carers, helping people escape the bedroom tax, helping low paid workers who may have families and be living in poverty etc.

Additional changes have been identified below to strengthen this approach.

It is recommended that further consideration is given to the provisions which may have an adverse impact on groups of people that find it much harder to access employment, [such as women \(especially mothers whether they are single or partnered\), pregnant and new / nursing mothers, disabled people and certain BME / religious groups](#) as this could potentially amount to indirect discrimination. This would need to be objectively justified in accordance with the requirements of the Equality Act, or mitigating actions need to be identified to minimise the degree of adverse impact.

##### Objective Justification:

The findings of the Hills Review have highlighted that the employment rates of those living in social housing with particular disadvantages or with multiple disadvantages are substantially lower than those of people with similar disadvantages but living in other tenures. The Hills Review also highlighted evidence that current allocations policies can create concentrations of poverty which can have a detrimental impact on both community cohesion and sustainability. With this in mind it would therefore seem to be a legitimate aim of the Council to provide an incentive for applicants to seek employment and to create a simpler system that closes any loophole or ability for applicants to chase additional priority by deliberately making their housing circumstances worse to give themselves an advantage over others.

Recognising the barriers that people can experience in finding work, the Council's Economic Growth, Skills and Regeneration Team has oversight of a variety of initiatives designed to help people find employment. These initiatives are set out in the All Age Skills Strategy. The Child Poverty Strategy also includes initiatives designed to help people access employment. Housing officers could have a key role to play in helping residents access these opportunities.

The introduction of the employment incentive does not mean that non working people will be unable to access housing. It is estimated that the impact will be that average wait times might increase from 40 weeks, for non working people – to a maximum of 60 weeks, whilst employed people are likely to average a wait of 20-25 weeks.

It would be advisable to monitor the policy closely during the early stages of implementation to check that the process is operating as fairly as possible. [The draft policy and Equality Impact Assessment have been referred for legal opinion which has confirmed that the council needs to ensure that employment initiatives are promoted and that the success rates are carefully monitored by protected characteristics.](#)

[The council has also been advised in relation to the residency requirement that the exceptions currently identified in the draft policy may not be sufficient and that consideration should be given to include criteria](#)



which allows persons with a strong local connection to still qualify for housing allocation. Guidance indicates that this could be framed in terms of strong family association whether by residence or employment of close family members in the area that meets the residence or employment threshold in the policy.

The council has also been advised to consider the inclusion of a general special circumstances exception to the 3 year residence qualifications requirement in the policy which could be referred to the Housing Needs Panel for consideration and decision.

The legal opinion has also suggested the express inclusion of persons in receipt of care packages assessed and provided by social services in CBC's area in the list of exceptions to the 3 year residence qualification criteria.

#### 4.2 What changes will be made to address or mitigate any adverse impacts that have been identified?

The **harassment** reference in the section relating to applicants with a poor history of behaviour has been changed to incorporate all types of harassment under the Equality Act.

The Council will provide **advice and assistance to applicants who are not working**, on seeking employment. Staff will be trained to effectively signpost applicants to training and employment services. It is anticipated that in time there will be considerable joint working between housing and employment services in order to help lift people into work –

The Council will use the following **definition of working** households:

- Applicants who are in paid employment for more than 16 hours a week and have been in employment for at least 3 months
- Applicants who are self employed and have been for at least 3 months

Under the requirements of job seekers allowance, the DWP, recognizing the substantial barriers to employment that exist, does not expect single parents to be actively looking for work until their child is age 5. It is recommended that consideration of this type of approach is built into the allocation policy.

It is recommended that the proposal not to extend the employment priority to people who are undertaking training or volunteering be re-considered as these activities are important both in terms of self improvement and helping people access employment. The lack of inclusion provides a potential disincentive to engage in such activities that are most likely to lead to employment.

Following consultation the policy has been updated to include consideration of volunteering.

Where an applicant or their partner is **providing full time care** (35 hours or more per week) to an elderly resident or disabled child and is in receipt of full carer's allowance (except where carer's allowance is not payable because of the age of the carer or other benefit restriction – evidence will be required to prove the applicant's status in this regard), this will be considered to be employment

Disabled applicants under retirement age who have been assessed as eligible for Support Element of the Employment Support Allowance due to their permanent disability which prevents them from participating in work related activities, will receive the employment priority.

When an application is cancelled, an applicant will be notified of this in writing. A right of **review** will be offered, so the applicant can challenge the decision if he / she believes it to be unjust.

**Applicants seeking adapted properties** will also be able to bid for properties that are generally advertised, where they believe that properties would be suitable. Officers on short-listing will make an assessment on suitability for adaptation, assisted by an Occupational Therapist as required.



<b>4.3 Are there any budgetary implications?</b>			
<b>4.4 Actions to be taken to mitigate against any adverse impacts:</b>			
<b>Action</b>	<b>Lead Officer</b>	<b>Date</b>	<b>Priority</b>
More detail would be helpful in terms of identifying the support that is available and success rates in relation to securing employment.			
Work with local partners to ensure that access to employment schemes are actively promoted and implemented so as to mitigate and eliminate any potential impact in relation to protected characteristics			
Record the success rates of the various access to employment schemes with regard to persons with protected characteristics.			
Carefully monitor the implementation of the policy and the effect on applicants with protected characteristics in order to evaluate the actual impact of the policy			
Review expectation that single parents under 5 must be in employment.			
Consider potential disincentive effect of disregarding engagement in training or volunteering activities.			
Data analysis relating to existing allocations and then forecasts of how we think this might change under the new policy will be needed in order to understand potential impact			
Review policy to consider inclusion of strong family association criteria whether by residence or employment of close family members in the area that meets the residence or employment threshold in the policy.			
Consider inclusion of a general special circumstances exception to the 3 year residence qualifications requirement			
Consider express inclusion of persons in receipt of care packages assessed and provided by social services in CBC's area in the list of exceptions to the 3 year residence qualification criteria.			

### Stage 5 - Checking that all the relevant issues and mitigating actions have been identified

<b>Stage 5 – Quality Assurance &amp; Scrutiny:</b>	
<b>Checking that all the relevant issues have been identified</b>	
<b>5.1 What methods have been used to gain feedback on the main issues raised in the assessment?</b>	
<b>Step 1:</b>	
<b>Has the Corporate Policy Advisor (Equality &amp; Diversity) reviewed this assessment and provided feedback? Yes</b>	
<b>Summary of CPA's comments:</b>	



Whilst there are a lot of positives in the policy for vulnerable groups for example in relation to disability, domestic violence, carers, looked after children, foster carers, helping people escape the bedroom tax, helping low paid workers who may have families and be living in poverty etc, there were some aspects that I think we need to give careful consideration.

**1) The main issue that stands out is the **priority that will be given to people who are in employment.**** There is a real risk of indirect discrimination against certain groups with protected characteristics unless we can put in place some really effective mitigating actions. There is longstanding, as well as new and emerging evidence which demonstrates that women (especially mothers whether they are single or partnered), disabled people and certain BME / religious groups experience substantial and enduring barriers and discrimination in relation to employment. These are all groups of people who want to work but who find that the dynamics of the labour market is stacked against them.

Whilst it's positive to want people to seek employment, it would be advisable to show that the policy recognises that there is not an even playing field in the world of employment and that some groups may need a lot of help to access work and even when support has been provided some groups can be repeatedly overlooked by potential employers due to discriminatory attitudes. They may also not be able to work fulltime.

I would therefore recommend that the policy needs to be much more specific about the types of help and support we give these vulnerable groups and the degree of success these initiatives actually have in terms of getting people back into work.

I think we also need to be clear about whether applicants need to demonstrate they are seeking employment or if they have to show they have actually found employment. So for example how would we view someone who was going on skills/ confidence building courses in preparation for seeking employment?

Also, when we talk about employment do we mean fulltime employment or would we also consider part-time employment? If yes, how many hours would count? For many mothers and disabled people full-time work might not be a realistic possibility.

Will we also consider positively people who are doing voluntary work as a route back to employment?

If we always give priority to working applicants, it means that more benefit claimants will be directed to the private sector for housing. Many private landlords are reluctant to take benefit claimants. This issue could increase under Universal Credit because housing payments will no longer go direct to landlords. Will this mean that people on benefits will find it increasingly hard to access any type of property and will they be homeless as a result?

**2) Letting Adapted Properties.** I think we need to be very careful about restricting applicants with mobility difficulties to properties that only match their assessed need. This would be ok if we had a very high supply of such properties but I don't think we do. The effect of such a criteria will be that disabled people have to wait much longer for an appropriate property. This risks breaching human rights legislation:

#### **Duty to take positive action to secure physical integrity and dignity**

Where a local authority knew that a severely disabled tenant's housing was inappropriate and prevented her from having a normal family life but did not move her to suitably adapted accommodation, they failed in their duty to take positive steps to enable her and her family to lead as normal a family life as possible and secure her physical integrity and dignity. Damages were due for this failure. *R (Bernard) v Enfield* [2002] EWHC 2282 Admin

**3) Housing Needs Panel** - no appeal process is that fair?

**4) Failure to engage in bidding process** will lead to removal from register. Will we have robust processes in place to check that the lack of engagement isn't down to some type of vulnerability?

**5) Shortlisting by Priority Date** - first come first served. A vulnerable person may need to enlist the help of an advocate / carer. This could slow things down for them in terms of lodging their application and so they could miss out on a property. Is this fair?



**6) Only 24 hours to respond to contact** from the council. Again is this fair and realistic for some vulnerable groups who need support? What if someone is ill / in hospital?

**7) Failure to attend an arranged accompanied viewing** will be treated as a refusal. Again what if someone is ill / in hospital, is this fair?

**8) Section 11 Equality and Diversity** - This needs to be updated to reflect the correct list of protected characteristics - age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

**9) History of poor behaviour** - (page 13) we only mention one type of harassment which is racial. We need to make it clear that harassment related to any of the protected characteristics is unacceptable.

**10) Data Protection** - we need to ensure that equality data is collected so that we establish the extent to which fair access to appropriate housing is being provided.

**11) Data Analysis** - data relating to existing allocations and then forecasts of how we think this might change under the new policy will be needed. For example if we are saying that in future 60% of lets will go to people on the general housing needs register in a year how does this differ to the current position and what will the impact be? Does it mean people in this category will have to wait longer to be allocated housing or will they be directed to the private sector? What impact will this have on them? What are the characteristics of people in this category.

In relation to local priorities, do we know for example what level of demand we might experience from low paid workers in the private sector? How many people in this position are currently allocated a home? Do these workers have children? If yes the inclusion of this priority in the Allocations Policy could have a very positive impact on child poverty and all the inequalities associated with that and therefore it could be argued that this helps justify the 60% cap on the general housing needs register.

If we don't have relevant data in some of these areas hopefully the consultation process can give us an insight into potential levels of future demand.

**12) People earning a high salary** – It may be advisable to also consider the outgoings that people have. For example someone can appear to have a high salary but may be having to pay significant child care costs in order to be able to go to work. This will mean that their actual level of disposable income is low

**13) Equality Forum** - I would recommend that the policy is considered by the Forum in September 2013.

**14) It is intended that applications for the Housing Register can only be made online.** It is vital that Council officers provide support to applicants who experience difficulty in meeting this requirement.

In a recent First-tier Tribunal Tax Chamber case it was held that HMRC regulations which require the electronic filing of VAT returns were discriminatory. Two of the appellants suffered from disabilities making it difficult or impossible for them to use a computer, and the third appellant lived in a remote area where there was unreliable or non-existent broadband access. The three appellants were of an age which made learning how to use a computer particularly difficult and they would have had to bear the expense of instructing an agent. The Tribunal, with Judge Barbara Mosedale presiding, held in a very detailed judgement that the regulations which require online filing of VAT returns, without providing an exemption for older people, people with disabilities and those who lived in areas which lacked broadband coverage, were in breach of the appellants' human rights and were unlawful under EU law.

Issued simultaneously was Judge Mosedale's decision in the case of *Graham and Abigail Blackburn, t/a Cornish Moorland Honey*. This was one of a smaller group of cases in which the objection to online filing was on religious grounds. In the Blackburn case, the Tribunal found that the appellants' Article 9 rights to freedom of thought, conscience and religion were breached by the application of regulations. Having heard Mr Blackburn's evidence, the Tribunal accepted that using a computer, or having an agent use it on their behalf, was contrary to Mr & Mrs Blackburn's religious beliefs. The religious society to which Mr and Mrs Blackburn belonged did not have beliefs which were "incompatible with the use of electronic communications" and therefore on a straightforward reading of the regulations, the appellants did not fall within the stated exemption. However, the Tribunal found that the requirement to file online restricted the





manifestation of the appellants' belief that they should "shun using computers" and that manifestation was in fulfilment of a duty imposed on them by their religion and/or was 'intimately linked' with their religion. The Tribunal concluded that it could read the regulations so as to give effect to them in a way which was compatible with the appellant's Convention rights and in so doing found that the exemptions applied and allowed the appeal.

## Step 2:

### 5.2 Feedback from Central Bedfordshire Equality Forum – 26 September 2013

Members highlighted the following issues:

- Applicants with a history of poor behaviour – The definition of poor behaviour needs to be given careful consideration. Whilst recognising the need to protect residents, consideration should also be given to what happens to these applicants and how they are guided to improve their behaviour. Otherwise people can move from area to area causing problems. A flow chart would be helpful to outline processes that are in place / sources of support.
- Employment Priority – The experience of disabled people and barriers to employments was highlighted. Many disabled people who have been assessed as capable of working by ATOS and have appealed the decision, have been successful (2/3 appeals are upheld).
- Concern was also expressed about the numbers of people being forced to accept zero hours contracts
- Some London Boroughs have been successful in signposting people to employment opportunities via housing officers
- Manchester Council includes a housing priority related to volunteering – Many members of the Forum supported this principle and cited the valuable contribution that volunteering could make as a route into permanent employment. Many voluntary agencies require volunteers to sign a formal agreement and it was suggested that this could be used as evidence that an individual was involved in a genuine volunteering opportunity. However concern was also expressed that some unemployed individuals do not have sufficient skills to be an effective volunteer.
- Applicants who owe debt – It was suggested that consideration should be given to the steps that people are taking to repay their debts. Debt is increasing significantly among working families.

### 5.3 Feedback From Central Bedfordshire Child Poverty Meeting – 10 September 2013

Attendees at the meeting expressed the following views:

- Debt Criteria – Would it be possible to change the criteria so that people who are making a real effort to repay debts such as Council Tax are eligible for consideration?
- History of Poor Behaviour – This needs to include consideration of when the poor behaviour happened. An event many years in the past should not be included as relevant if current behaviour has improved. Perhaps a time frame could be built into this.
- Women Escaping Domestic Violence - could they be included in the quota.
- Prioritisation according to date order – no concerns were raised in relation to this
- Employment Priority – concern was expressed that this would mean that the most vulnerable families would be left in the worst housing and that children under 5 would not be given a good start in life. This appears to be contrary to the Council's Poverty Strategy. Local research indicates that there is a shortage of childcare places and that women who are aged 20+ are finding it much harder than men to access employment due to barriers such as lack of affordable child care. Could an exclusion be considered for families with children under 5?
- Participation in Volunteering / training as routes back to work – could this be considered?
- Self employment – the revenues and benefits team have seen a substantial growth in people who are registering as self employed and who are engaged in activities that take up many hours (e.g. 70 per week) for little or no pay. Registering as self employed does however have the positive impact of excluding someone from the benefits cap and seeking self employment is actively encouraged by the Government. The R&B team has had to take on more staff to consider applications from self employed people. Will more people register as self employed to gain a housing priority? Will this increase the complexity of administering the policy and what impact will this have on staffing levels



within the council?

- £40k cut off – may provide a perverse incentive for families to seek lower paid jobs
- Consideration should be given to the needs of single people who may be vulnerable due to disability such as a mental health issue. Whilst it may not be severe it may still impact adversely on someone's ability to access employment and under this proposed policy will impact on their ability to access a more secure housing option.

The Group asked if the Equality Impact Assessment could be presented to the next meeting on 10 December 2013.

### **Feedback From Central Bedfordshire Child Poverty Meeting – 10 December 2013**

Kirsty Jenkins provided a further update on the draft policy and consultation process. Clare Harding introduced the Equality Impact Assessment and highlighted the key issues that were being identified.

- Discussion around "Voluntary Contract / Formal Agreement" definitions of voluntary, contract and threshold of hours must be defined. Joe Richardson (Job Centre Plus) confirmed that 'Voluntary work' is used as a pathway to employment. Need to understand exclusions and suggestions around assisting certain groups.
- LB to ensure VOC are aware CH to send through examples of volunteering agreements provided by members of the Equality Forum via VCI for circulation.

Kirsty Jenkins encouraged attendees to respond to the online consultation.

### **Stage 6 - Ensuring that the actual impact of proposals are monitored over time.**

#### **Stage 6 – Monitoring Future Impact**

**6.1 How will implementation of the actions be monitored?**

**6.2 What sort of data will be collected and how often will it be analysed?**

**6.3 How often will the proposal be reviewed?**

**6.4 Who will be responsible for this?**

**6.5 How have the actions from this assessment been incorporated into the proposal?**

### **Stage 7 - Finalising the assessment.**

#### **Stage 7 – Accountability / Signing Off**

**7.1 Has the lead Assistant Director/Head of Service been notified of the outcome of the assessment**

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**7.2 Has the Corporate Policy Adviser Equality & Diversity provided confirmation that the Assessment is complete?**

**Date:** \_\_\_\_\_