

Appendix B - Response to Discharge of Duty Engagement comments

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Age?

Response -

Yes (1)

No (3)

Please explain your answer

Those clients unsafe to remain within CBC area will have to live outside the area where there is no support. A safeguarding form should be submitted to vulnerable adult, ELT are other agencies as part of the policy

CBC Response – The Council’s Housing Options team will liaise with the relevant agency/service from the time of the initial assessment where support needs have been identified. If a safeguarding referral is required it will be made (all Officers have been trained), however, these are issues to understand and resolve before a duty is discharged.

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Disability?

Response -

Under the Equality Act 2010 a person is considered to have a disability if he/she has a physical or mental impairment which has a sustained and long-term adverse effect on his/her ability to carry out normal day to day activities.

Yes (2)

No (2)

Disability: Please explain your answer

They may be overlooked for properties due to support they require to live their not being in place i.e. for example, a private landlord is less likely to accept a nomination for someone who requires extensive support

Could have a negative impact if the property offered is not suitable for their mental or physical needs and should state in the policy that an OT should assess a property as suitable before discharge and that impact of noise, communal noise level and surrounding noise levels of traffic, etc should be taken into consideration when considering suitability of a property for a person with mental health.

CBC response – para 4.3.5 is clear that a PSO would not be made where the applicant has needs that require adaptations to be made. An OT will often be requested to make an assessment but this will be made more explicit in 4.3.5.

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Gender reassignment?

Gender reassignment - People who are transsexual, where their gender identity is different from the gender assigned to them when they were born

Yes (1)

No (2)

Gender reassignment: Please explain your answer

It could but depends on the person on how they wish to express their gender difference so the suitability criteria should take into account the persons view on this and whether they wish to live in rural or town locations if there is a risk of harm by living in a town where there is a chance that person could be victimised.

CBC response – if there is a risk of harm within a particular location this will be considered at the assessment stage but there would need to be some evidence to verify such a claim.

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Marriage and civil partnership?

Yes (-)

No (2)

Don't know (2)

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Pregnancy and maternity?

Yes (2)

No (2)

Pregnancy and maternity: Please explain your answer

At what point is housing need assessed? When someone is pregnant they still only have a 1 bed need but it becomes a 2 bed after baby born. Are properties allocated due to what housing need will be and even if it is offered HB won't be in place for a 2 bed until baby is born. Only if it has not been taken into account that the client needs to be registered with a hospital and Medical services and has access to these services. They could be disadvantaged if they cannot claim child tax credits until the child is born and they cannot afford to pay the rent while they wait for benefits to be awarded. Most are on SMP and therefore have very little income to afford private rented accommodation.

CBC response – for a pregnant woman, the need is assessed as two-bed. Whilst the housing benefit issue is recognised, that issue is outside of the scope of this draft policy. It is possible that discretionary housing benefit might be available.

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Race?

Yes (1)

No (3)

Race: Please explain your answer

again, only if the suitability criteria has not been met and taken into account any areas where there could be racial tension

CBC response – If there is evidence of an area with racial tension, this would be considered as the applicant might be not considered likely to sustain a tenancy in such an area (4.3.5).

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Religion or belief?

Yes (1)

No (3)

Please explain your answer

Only if the property discharged into is not situated near their religious practice and they are unable to attend or they live in an area where there is religious tension

CBC response – If there is evidence of an area with religious tension, this would be considered as the applicant might be not considered likely to sustain a tenancy in such an area (4.3.5). However, if the immediate area does not contain a place of worship, that would not itself make the placement unsuitable unless there were identified transport issues to prevent reasonable travel to a place of worship.

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Sex?

Yes (1)

No (3)

Please explain your answer

Only where there could be communal living which should be considered under the suitability criteria

CBC response – the policy is clear (4.3.6) that the Council is required to assess whether accommodation is suitable for each household individually. This is part of the initial assessment.

Could the Policy have a negative impact or put a particular group at a disadvantage on the grounds of Sexual orientation?

Yes (1)

No (3)

Please explain your answer

in cases where there could be communal living, Sex offenders would need to be checked with the police to ensure area is a suitable one.

CBC response – this is undertaken, as part of 4.3.6

Overall what is your view on the draft policy?

It is good and gives an understanding of how people are matched for properties and who that property is offered to

I feel there are some well needed policy amendments and some which I would consider extra barriers for the complex clients I currently work with who already struggle with policy and procedures. I would personally, like to see less private sector tenancies for any person being deemed as vulnerable

and the categories of meaning in the term vulnerable revisited. I think private sector tenancy offers a lot less security for our complex individuals who are usually the ones who become street homeless and then entrenched. I believe if the LA are able to effectively screen need and allocate where possible appropriate tenancies based on the need identified then the policy changes should not restrict our vulnerable people.

CBC response – para's 4.3.5 and 4.3.6 provide some safeguards for some vulnerable groups and a general requirement to assessment whether accommodation is suitable for each household individually.

EPC should state grade E and above in line with new legislation. The policy should clarify what happens if a person wants a review when refusing an offer. What is our stance? Our offer letters say they have 24 hours to accept the tenancy and move in the new property whilst undertaking a review.

CBC response – the policy will be amended to state grade E and above

We have a Fit and Property Landlord form we send the landlord to complete to confirm they have no convictions. I have a tenant guide for those renting for the first time with useful links and phone numbers and budget sheets etc 4.4.4 states that those who have found their own accommodation, - this will not be a PSO. The application is to be closed. Some clarity please. Is this a not homeless decision then? Please also clarify those with a rent deposit offer. If CBC offer a property that we have found, we would need to do formal PSO offer even though we are offering rent deposit and rent in advance and suitability check? Do we need to identify areas of risk for vulnerable client groups and have certain criteria to ensure that their needs have been met under the Equality Act?

CBC response – in the case referred to it is not a homelessness decision. If there were obvious areas of risk concerning a property that the client had found themselves, then these would be discussed with the client but there is also an element of choice here and responsibility on the Council is less.

I believe that the policy is sound and brings some welcome changes.