

EQUALITIES IMPACT ASSESSMENT

HOUSING ALLOCATIONS

Executive Summary

This is the report of the Full Equalities Impact Assessment (EIA) of the Council's Housing Allocations scheme. Its format follows the Council's Corporate template for a Full EIA.

The report begins by explaining why Housing Allocations was chosen for an Impact Assessment and then goes on to provide some background to the policy, its perceived problems and the outcomes from the Initial EIA.

The Full EIA was based on comprehensive consultation with relevant experts who provided detailed comments. This is set out in Section 7 of the report. The comments from consultees covered matters of policy, the content and format of the Housing Application form and the Policy, the role of officers and a small number of miscellaneous points.

This has led to eight specific recommendations, discussed in Section 8 of the report.

It is intended to introduce a new Housing Allocations scheme in June 2007. This provides important opportunities to address the comments raised by consultees and ensure that the Council has a robust policy that supports its commitment to promoting equalities and diversity in the Borough.

1. Introduction

Solihull Council has a statutory duty to assess the impact of its policies and to promote equality of opportunity in its communities (1).

The Council's Housing Allocations Policy was identified as requiring early attention in the Council's programme of EIAs because,

- The Policy is relevant to any person seeking social housing in the Borough of Solihull
- Access to decent, affordable housing is important in providing the basis of opportunity for people to play a full part in the community. The Council makes approximately 1,100 housing lettings each year. The policy therefore has a high impact as it has a direct affect on service users, many of whom are relatively disadvantaged or vulnerable
- Studies in other areas of the country, for example by the CRE, have shown that council allocation schemes have the potential to be discriminatory
- The allocation of social and in particular council housing is instrumental to delivering the Government's priority on promoting cohesive and sustainable neighbourhoods

1 Sex Discrimination Act 1975, Disability Discrimination Act 2005, Race Relations Act 1976 and Race Relations (Amendment) Act 2000, CRE Housing Code of Practice, CRE Disability Equality Scheme

2. Background

2.1 Background Information

The purpose of the Council's Housing Allocations policy is to ensure that households in the greatest housing need are allocated a social housing tenancy. It should be open and accessible for any person who wishes to access Council Housing in the Borough. Priority is awarded using a system of points that are awarded for different aspects of housing need e.g. medical priority, homelessness.

The Council's Housing Allocations policy is administered by Solihull Community Housing (SCH), the 'Arms Length Management Organisation' (ALMO) that manages and maintains Council housing in Solihull.

Under the Policy people can make unlimited choices on where they would be willing to consider an offer of Council accommodation. People can also select broader areas, such as 'anywhere in the Borough'. An SCH officer contacts people when they have priority for a property of the size they need in an area of their designation.

There is a scarcity of Council housing for those that need it. At December 2006 there were 6,823 households on the Housing Register. The overall ratio of supply to demand is 1:5.

The current Housing Allocations policy was agreed in 1997. The Council and SCH accept that the policy requires modernisation. This, together with the importance of the policy (see Section 1 above), has been the main driver in conducting the Impact Assessment.

2.2 Perceived problems with the Policy

On the basis of the Initial impact assessment, the perceived problems of the current Housing Allocations Policy with regard to equalities relate to,

- A complicated system. Research by Solihull Council in 2004 of customers on the Housing Register found that 70% did 'not understand the current system at all' or 'only a little'
- An unfair system. Over 50% of respondents in the 2004 survey considered the system to be 'not very fair' or 'not fair at all'
- Race – In cases where English is not a persons first language they are more likely to experience poor outcomes from public services
- There is a considerable body of evidence which shows disadvantage experienced by BME groups in terms of a lack of knowledge about the availability of social housing and the discrimination that can occur in receiving offers of accommodation from local authorities. Over the years the CRE has carried out a number of formal inquiries in local housing authorities. Examples include Hackney (1984), Walsall (1985), Liverpool (1989), Southwark (1990) and Oldham (1993)
- Disability - People with disabilities may find it difficult to access the Housing Register unless they can obtain suitable assistance with the completion of the form
- Age – 16/17 year olds can access Council housing but will usually only be allocated a property if they have a rent guarantor until the age of 18. However the policy information document 'Access to Housing' signposts 16/17 year olds to the SCH Housing Advice Team, which may lead to a Council tenancy depending on their circumstances
- Sexual Orientation – The Policy makes no mention of civil partnerships, meaning that it is failing to recognise the Civil Partnership Act 2004

The Council therefore needed to do a Full EIA to explore these points further and identify any other equality shortcomings.

3. Methodology & Sources of Data

A wide range of data and other intelligence has been used in this EIA,

- 2001 Census information
- Housing allocation and Housing Register data from the Council's administrative records

- Consultation with the Head of Housing Options SCH
- Consultation with relevant organisations as part of the Initial EIA (see Section 7.2)
- More detailed consultation with others as part of the Full EIA. This involved recruiting a panel of people with a wide range of relevant expertise (see Section 7.2)
- Relevant research studies in other local authority areas

The Council's Equalities Development Adviser has provided valuable input to the study.

4. Assessment of Impact on Equality

This section summarises the Council's assessment arising from the Initial EIA. Council officers completed the Initial EIA. SCH and other relevant organisations were consulted.

Sections 7 and 8 discuss the Full EIA and develop these points in greater detail.

On the basis of available information there was no evidence that these adverse impacts are occurring, although this may be a function of incomplete monitoring and the policy not reaching some groups of people.

A number of potential adverse impacts with the policy were identified in the Initial EIA. These are summarised below, together with an assessment of their risk.

1. The Housing Application form is likely to be difficult to complete for some people due to its size and complexity. This in part reflects the current 'points based' system as certain information is required to assess households housing need. Medium risk, as people are likely to have family, friends or professional advisors to assist them in this.
2. The Policy and the Application Form is not easily accessible to those who do not have English as their first language and for people with some disabilities. Low risk as if a persons command of English is particularly poor they are likely to have access to someone with interpretation skills; other less able people are likely to have access to professional support.
3. Housing applicants are more likely to be vulnerable compared to the general population and so there is a need to ensure such people are effectively supported in the process of applying for housing. Interpreting 'vulnerability' broadly this is considered a Medium risk. Again, the most vulnerable will have professional support to help them.
4. The Application Form requires information regarding household composition. All family names have to be stated to assess housing need and the view was expressed that this may lead to an adverse impact

through discrimination on the basis of names. This is considered to have a low risk, as the probability of people discriminating in this way is small.

5. Housing applicants can receive a large amount of housing need points for 'special need'. Their award is a matter of judgement for senior officers within SCH. There is a risk that an applicant could suffer discrimination on the basis of their race/gender/age/disability/religious belief/sexual orientation. High risk as although there is no evidence of bias in the award of special need points, this is an area that makes the system unclear to applicants for housing.
6. An important source of points is medical need. This is determined by a doctor on behalf of SCH. There is no system of monitoring decisions that are reached by the doctor. This is a low risk given that a doctor can be expected to exercise professionalism at all times and medical need is only a factor in a minority of cases.
7. Allocation of properties is not transparent. A person's order on the Housing Register can alter if someone with greater need 'leapfrogs' them. People do not necessarily understand when they will receive an offer of a property and cannot make effective arrangements to receive offers if they away from their postal address. This is a low risk. The issue highlighted is an integral part of the existing allocations system but this does not necessarily mean there is differential impact.

5. Consideration of Alternative Approaches/Mitigation of Adverse Impact

Within the existing Policy, a number of mitigation measures are possible to reduce the potential incidence of adverse impact.

These mitigation measures are shown below,

1. Relevant SCH staff have access to 'Language Line' if a customer requires an interpreter
2. The Council introduced a disabled persons housing register in 2006. This maintains a record of properties that are suitable for people with physical disabilities. Appropriate households are then matched with existing adapted properties
3. In some cases vulnerable people have professional advocates or family and friends who can liase with SCH on their behalf. There are a variety of 'floating support' schemes in existence in Solihull where a support worker is available for a temporary period to ensure a person is coping in their new tenancy. But this is limited and there is a need for improved pre-tenancy advice and support
4. SCH staff have a professional approach and are trained in equalities awareness

5. With regard to the potential for SCH officers to 'pass over' high priority cases for housing offers, the Housing Allocations I.T. system incorporates a by-pass system which enables decisions to be audited by senior management. This information is provided to the Head of Housing Options on a monthly basis to see if housing offer decisions are in line with policy. Therefore the chances of this occurring systematically would appear to be slight. It is accepted however that if the current Housing Allocations system were retained then more systematic checks would need to be introduced. This issue is taken forward in the third recommendation in Section 8.1
6. Introduction of a simpler, more customer focused policy for the allocation of Council housing
7. Modernisation of forms, language and policy to meet legislative changes – the Civil Partnership Act 2004, for example
8. Introduction of more clearly drafted wording, underpinned by a recognised quality standard

6. Monitoring Arrangements

Effective monitoring is required to ascertain the impact of the policy following the adoption of equalities improvements.

There is no evidence of discrimination in respect of housing allocations in Solihull, but it is also clear that there is insufficient information to demonstrate that discrimination is not occurring.

The approach to be taken is to monitor the profile of applications for social housing by vulnerable group compared to the level that might be expected from the general population and the allocation of housing compared to the profile of applications on the Housing Register. For e.g. if 20% of people requiring three bedroom properties are from a BME background, the expectation would be that at least a similar proportion would achieve a Council tenancy of a three bedroom property. Although there may be reasons for why the outcome may be different, where the outcome is significantly different this would be a matter requiring further investigation.

To achieve this monitoring will cover,

- information on race, disability, age and gender to be collected on the Housing Application Form. A stronger monitoring statement will support this with relevant staff encouraged to remind people to complete this information where possible. Monitoring of religion and sexual orientation are however more difficult. For example, Stonewall said that sexual orientation must be monitored to ensure that the Council and SCH have an understanding of the types of problems LGBT clients are facing, This also ensures that applicants understand that the Council and SCH is LGBT

friendly. This may mean that clients are more likely to reveal their sexuality, which may be relevant to their housing problem. Sources in the Council thought it impractical to collect real information on this. It is recognised however that it is difficult to monitor this accurately and the response rate is likely to be very low. Taking these different views into account it is not recommended that sexual orientation is monitored. Data on Civil Partnership could be used as a proxy. It is also thought that monitoring religion is likely to be unproductive and should not be monitored

- Monitor the information of people bidding for, and receiving an offer of, Council Housing and compare with those accessing the Housing Register – quarterly reports from ‘Academy’ (Council Housing IT system)
- Monitor new tenancy data by area, type and size of property – quarterly reports from Academy
- Review of forms and other literature to ensure use of language and terminology is appropriate having regard to legislation and good practice

It is recommended that monitoring information be reported to the Monthly Monitoring Meeting (1) on a half yearly basis. The monitoring outcomes will inform whether specific initiatives are required to promote equalities, for e.g. in relation to staff training and the ‘reach’ of the Policy.

(1)The Monthly Monitoring Meeting is a formal meeting between Solihull Council (as client) and SCH (as contractor) to examine housing performance

7. Formal Consultation

7.1 Why we consulted

This policy has a wide effect. The Council accepts that the views of a wide range of relevant groups are essential in developing a scheme that is effective for its purpose, and seen by customers to be fair. Failure to consult is not therefore an option.

7.2 How we consulted

In the Initial Assessment the Council contacted a number of relevant locally based organisations set out below,

- Solihull PCT
- Keyring
- Autism West Midlands
- Solihull Care Housing association
- Solihull MBC Equalities officer
- Birmingham & Solihull Mental Health Trust
- Terrence Higgins Trust
- Stonewall
- Commission for Racial Equality
- Colebridge Trust

- Christian Renewal Centre
- Age Concern
- Solihull Muslim Community Association
- Disability West Midlands
- Disabled Persons Network
- Action through Advocacy
- Solihull Mind
- St Basils
- Stonham Housing Association
- Solihull MBC – Learning Disability Team
- Solihull MBC – Social Services- Adult services
- Refugee Council

There were limited responses to this consultation, but those that were received were helpful in completing the Initial EIA.

With the Full EIA, a smaller range of relevant, senior, people were contacted personally and agreed to participate in a more detailed consultation. Consultees received an introduction letter, a briefing paper, a copy of the completed Initial EIA, the Housing Application form and a copy of the policy document 'Access to Housing'.

The following were contacted and agreed to participate in the consultation:

- Race Equality West Midlands
- Birmingham and Solihull Women's Aid
- Age Concern
- Centrepont (a leading UK charity helping homeless and socially excluded young people)
- Stonewall Housing (specialist housing support provider for lesbian, gay and bisexual people [LGBT])
- CARA (housing association with gypsy and traveller specialism)
- St. Basils (housing association that works with young people and has a Housing Corporation 'Gold Award' for tackling homelessness and recognised strengths in service provision relating to diversities)
- Disabled Persons Network
- Solihull Care Trust (learning disabilities)
- Solihull Council officers (equalities, social care policy)
- Solihull Faiths Forum representatives (Christian, Jewish, Muslim)
- Solihull Churches Action on Homelessness

All of the above responded to some or all of the issues raised in the briefing paper.

The consultees were asked a number of specific questions relating to the Housing Allocations Policy, the publication of scheme, the role of officers in providing advice and assistance and the exercise and interpretation of 'delegated functions'.

The draft Full EIA was recirculated to consultees to ensure that responses had been correctly understood and provide opportunity for further and final comment.

7.3 Responses Received

The responses received from the consultees listed for the Full EIA are summarised in this section.

7.3.1 Housing Application Form

The length of the form and the inter-related nature of the points and allocations policy make it a complex undertaking, both to complete and understand (*Centrepont; St Basils*).

1. Forms can appear daunting to the people who need to complete them. The Council therefore needs to look carefully at whether all the information requested is really required (*Faith Forum; SMBC Social Care*).
2. The Council should look carefully at how the Application Form could be made more user friendly by looking carefully at design and layout. The application form is also crowded and does not have very much space for writing in answers (*Faith Forum; SMBC Equalities*)
3. The Council should review alternative language versions for the information/guidance notes. For e.g. are the existing 12 language translations appropriate? Should audio be considered? Is there a demand for other languages (based upon population and demand for other services locally)? At the very beginning of the form there should be a statement that help with translation is available if required. This should be in the main languages. There are difficulties in translating the whole application form however. For e.g. it would need to be translated back into English to be processed. If somebody can't complete the form in English an interpreter is the best solution (*SMBC Social Care; St Basils*)
4. Consultees identified a number of specific amendments to the layout of the form,
 - a) The monitoring sheet should be moved to the front of the form (*SMBC Equalities*)
 - b) On the front page, there needs to be a statement of how the information will be used. This is required under Data Protection/Freedom of Information (*SMBC Equalities*)
 - c) Front page: Paragraph in bold relating to advice and assistance should be raised to the top of the page (*SMBC Equalities*)
 - d) On the front of the form (and the Access to Housing policy document) it should say, (in large font) that this information is available in large print on request, telephone etc (*SMBC Social Care*)

- e) In 'Other Circumstances' on section 2 reference should be made to traveller encampment (and whether legal or illegal) and squatting (CARA)
- f) On page 2, remove 'maiden' and use term 'previous' (SMBC Social Care)
- g) On page 2 include 'in Civil Partnership' on list dealing with relationship status (registered partners have the same rights and responsibilities as married partners, and therefore this information should be of equal relevance) (St. Basils)
- h) On page 5, include gender with name and age (SMBC Social Care)
- i) In 'Your Accommodation Request' and 'Other Housing Options' (sections 5 and 6) legal pitches for gypsies and travellers should be included as an option (CARA)
- j) In Equal Opportunities Monitoring, travellers should be included as they are distinctly separate under the Race Relations Act. The inclusion of travellers demonstrates a willingness to recognise and respond to the needs of travellers. This should be accompanied by clarification that travellers will not be discriminated against (CARA)
- k) The equal opportunities monitoring form does not monitor the sexual orientation of applicants, and does not fully monitor the gender of its applicants (there is no option for transgender clients) (Stonewall).
- l) The form does not include anything on lacking amenities (SMBC Equalities)

7.3.2 Access to Housing Policy document

Responses included both broader and more specific comments.

1. Broader Policy.

- a) The Policy should broaden its coverage away from the purely minimalist approach of offering council housing to those in priority need and encourage the creation of more cohesive and sustainable communities. For e.g. The policy under *Section 10: Statement on choice or the opportunity to express preferences for accommodation* should include not only a right to freely indicate preference for accommodation but also to emphasise the Council's aim to avoid creating mono-ethnic estates and areas that some ethnic groups might not feel comfortable living in. The Policy and its wording would need to be carefully drafted to ensure it is legally robust (Race Equality West Midlands)
- b) Consideration should be given to including a statement of 'aspirations' - e.g. acknowledging the fact that Solihull has both an ageing population and a higher proportion of older people than many other local authority areas; that the Council will work towards helping older people to be in an age-friendly environment, with access to transport, shopping facilities (Age Concern)

- c) Consideration should be given to the policy including an intention to set up a scheme for consulting tenants - or groups of tenants such as older or disabled about allocations (*Age Concern*)

2. Specific Policy.

- a) Behaviour and Housing Need Points. Concern was expressed that the policy is corrupted by the removal of 'housing need' points from those who are deemed to have 'unacceptable' or 'bad' behaviour. In these cases, their housing need is not the over-riding factor. For some groups (mental health, for example), 'bad' behaviour may have been as a result of their vulnerability. This could disadvantage people, particularly young people whose behaviour may have been as a result of a support need which was not previously recognised. There could be seen to be a policy contradiction by removing housing needs points when a need may still be there, in fact it may be exacerbated as a result of the removal of the points. The policy also penalises other family members who may have had no responsibility for the unacceptable behaviour. If the terms are retained, 'bad' does not fit with unacceptable and could be replaced with 'inappropriate'. The Code of Guidance, when describing the housing authority's right to take bad behaviour into account suggests that good behaviour should also be considered (paragraph 5.23 (b)). The SMBC policy makes no provision for this. In section 7, the examples listed mention racial harassment. But other forms of harassment (homophobic and transphobic harassment, for example) are not mentioned. (*St Basils; Disabled Persons Network; Stonewall*)
- b) Previous Convictions. The application form asks housing applicants to list all convictions for sexual or drugs related offences. There is a need to enquire about this information but it is worth noting that historically, many gay men have sexual offences convictions for behaviour which is now legal and socially acceptable. This can lead to significant worry when filling in forms of this type (*Stonewall*)
- c) Medical Need. The section on medical need is very general and could be interpreted by staff in a subjective and inconsistent way. There is no definition of the five medical need categories, which leaves interpretation of these categories to the individual member of staff. For example, the difference between an 'overriding' and an 'urgent' medical need would be difficult to objectively judge without further definitions and examples (*Stonewall*)

The description of the process of deciding whether an applicant has a medical need gives the impression that the final decision would be taken by the independent medical advisor, however legally the final decision must be taken by the Council, looking at all evidence (*Stonewall*).

The description of the medical assessment process does not mention that SMBC will make contact with the applicants GP or other medical professional, for a judgement on medical need.

However the Code of Guidance (paragraph 5.13) specifically recommends that medical need should be judged by contacting the most appropriate health or social care professional with direct knowledge of the applicant's needs (*Stonewall*)

- d) Intentionally Homeless. At a national level, gypsies and travellers have often experienced difficulty in securing appropriate sites. The insecure nature and conflict over sites has sometimes seen local authorities judging that people have made themselves homeless intentionally. The policy should therefore be careful not to penalise gypsies and travellers in this situation (*SMBC Equalities*)
 - e) People with a Learning Disability. Young people with a Learning Disability can join the Housing Register when they are 25 years old if their parents have retired. In some cases where the parents are still working this may mean that they are unable to access social housing for possibly another 20 years. This approach is focusing on the parents and not the needs of the person with learning disabilities (*Disabled Persons Network*)
 - f) Domestic Violence. The policy makes no mention of how SMBC will deal with tenants who are fleeing domestic abuse (including same-sex domestic abuse), homophobic harassment, and homophobic violence. If this is covered in separate policies, then the links between the policies should be explicitly made (*Stonewall*)
 - g) Joint tenancies. The policy should state Solihull Council's approach to granting joint tenancies. It should also state its approach to granting a sole tenancy when one joint tenant hands in a notice to quit (for example after relationship breakdown). This is in line with the Allocations Code of Guidance, which also states that housing authorities should usually grant joint tenancies to same-sex partners (*Stonewall*)
3. Publication. The publication of the scheme should be delivered as part of a comprehensive communications strategy (*Race Equality West Midlands*). This should include:
- a) Publishing the Allocation Scheme details in full and summary version in all appropriate languages. The languages should be selected after carrying out a baseline language profile assessment)
 - b) Using local advice centres and organisations
 - c) Publicising the Policy through black and minority ethnic organisations
4. Accessibility. The policy is lengthy, sometimes difficult to read, and could be more user-friendly. This means that applicants who have learning difficulties, literacy difficulties, use English as a second language or simply have difficulties filling in forms being intimidated by it. As a result they might not understand their rights under the policy and may not fill the form in correctly or provide all the supporting evidence needed. This is particularly the case in the first few pages of the policy, which explain the process. The inherent complexity of the

scheme hinders peoples understanding of the system (*Centrepoint; St Basils*)

5. Advice Staff. With regards to providing fair advice and assistance, staff need to be well trained to do this. They need to be aware of cultural differences, and ensure that the advice they give is appropriate to different people's needs - this will mean not providing advice in exactly the same way for everyone but tailoring it appropriately. See Section 7.3.3 below (*Centrepoint; SMBC Social Care*)

6. Review of Decisions.
 - a) With regards to reviewing decisions, it is not clear who will do this. Will it be a senior manager who has not been involved in the case, what will they review and in what timeframe? (*Centrepoint*)
 - b) There is no mention in the Policy of support or advice for people who disagree with decisions and who want to request a review. There could be an undertaking to signpost to an appropriate source of support (*Age Concern*)
 - c) Doctor Assessments – statements of standards and a review/appeals process are required to ensure this is done on an equitable basis (*SMBC Social Care*)

7. Complaints. Must be robust and effective, appropriately advertised with effective feedback (*Race Equality West Midlands*)

8. Definitions.
 - a) Some terms in the policy may not be understood by everyone e.g. 'secure tenant' on page 7 of the Policy (*Centrepoint*)
 - b) The policy needs to be explicit on the definition of disability, for example is muscular weakness a disability? (*SMBC Equalities*)
 - c) The term 'Special Need Priority' is too wide-ranging, and non-specific and needs clarification. What are the criteria for it being used? Can it be used to create an adverse impact? There is no clear explanation of the difference between 'overriding' and 'urgent' needs for re-housing (page 6 of the Policy). The examples of special need are too broad, for example 'social need' could be interpreted in a number of ways (*Stonewall*).
 - d) The term 'unacceptable behaviour' requires further clarification. It isn't clear at what point someone's criminal history would prevent them from being housed. For e.g. would people with criminal records be prevented from being housed, and therefore placed in situations likely to increase their offending. This would be detrimental to their rehabilitation. The term should be clarified or a statement included saying that cases will be considered on an individual basis (*Centrepoint*)
 - e) The allocation policy and application form uses the terms 'family' and 'couple' in a number of places, however it does not at any

stage define them. It would be helpful if there was either a general statement on the inclusiveness of the terms, at the beginning of each, or alternatively that the terms themselves were broadened in some way to make the inclusiveness more explicit. This comment is relevant in the context of 'split family points' (page 4), 'a childless couple' (page 13) and 'single person/couple' (page 16) (*Stonewall*)

- f) The policy is not specific about what constitutes a 'local connection', for example it does not state how long a person would need to be resident to be entitled to local connection points. It also does not state whether family living in the borough would be seen as creating a local connection. Another example concerns LGBT people who tend to be a mobile population. (This is because LGBT young people often move from rural areas to urban areas in order to access LGBT support services which can be a vital support to avoid the isolation that can leave them vulnerable to risks of mental health problems, self harm, sexual exploitation and drug and alcohol abuse). For this reason, it would be helpful for the policy to have some flexibility in the local connection criteria (*Stonewall*)
- g) The Policy does not include homophobic or transphobic harassment, or homophobic or transphobic violence, or same-sex domestic abuse. The decision about whether to award these points, which would have a significant impact on an applicant as they would effectively ensure the applicant rose to near the top of the waiting list, is made by one member of staff (*Stonewall*)

9. Specific Textual Points

- a) The policy should provide details of the local Citizens Advice Bureau and/or Race Equality Council that can assist applicants if they need of advice, assistance or appeal against a decision (*Race Equality West Midlands*).
- b) First page, third paragraph remove the word 'colour' and include 'religion' (*SMBC Social Care*)
- c) First page, third paragraph, after marital status add '...ability, caring responsibilities' (*SMBC Equalities*)
- d) The equalities statement, on page one of the policy document, includes marital but not civil partnership status. It is important that both are included because the CPA 2004 makes specific provision for protection against discrimination on the basis of civil partnership status, in the area of housing (*Stonewall*)
- e) First page, 2b: delete phrase 'certain persons' and state who is excluded (*SMBC Equalities*)
- f) First page, 2d: use Plain English to improve on 'hold a legal interest in land' (*SMBC Equalities*)
- g) Second page, section 5: 'housing conditions' likely to be worse for BME and the form doesn't seem to reflect priority for poor condition (*SMBC Equalities*)
- h) Fourth page, note in bold: wording is confusing (*SMBC Equalities*)
- i) The policy has a section at the front (and the application form has a section at the back) which lists the type of evidence that may need to

be included with the application. The section needs to include dissolution papers from ex-registered civil partners (*Stonewall*).

7.3.3 Role of officers

A number of respondents highlighted the importance of Council/SCH staff – the implementers of policy - in achieving equalities outcomes.

1. Staff Profile and Training. Ensuring equitable outcomes will always rely on officer skills and integrity. Good training, published standards, staff support and supervision and an appeal or review process are the best way of achieving this. Best practice suggests ensuring that officers are largely representative of the communities they serve so as to create a culture of fairness and equality. No single recommendation by itself will guarantee the desired outcome (*SMBC Equalities; SMBC Social Care*)

Examples provided by respondents included,

- inappropriate advice being given to disabled people in respect of grant assistance. Appropriate training and /or signposting should be given to staff in these instances (*Disabled Persons Network*)
 - understanding the impact of mental health issues when citing 'unacceptable behaviour' (*Disabled Persons Network*)
 - a women found to be not vulnerable when she has experienced domestic violence because evidence or mental distress is not apparent (*Birmingham & Solihull Women's Aid*)
2. Delegated Responsibilities. All delegated functions need to be reviewed regularly. Performance statistics relating to age, ethnicity, disability and gender of customers benefiting or not from delegated authority need to be carefully assessed. Delegated authority to officers should be limited and only approved with Managers' consent. All authority to grant Special Need Priority should be granted only with senior manager-level approval (*Race Equality West Midlands*).

Managers should be given full explanation of all delegated powers in particular objective definitions of delegated authority including terms such as 'unacceptable behaviour' and Special Priority Need (*Race Equality West Midlands*).

7.3.4 Miscellaneous

1. The I.T. by-pass system (Section 5, point 5) should be made more explicit including how it is managed and what monitoring information is available (*SMBC Equalities*)
2. Need to consider situations where a person applies for general needs housing but officers consider they need residential care or a commitment from social care teams to provide a set level of support. This is a difficult in achieving the appropriate balance between avoiding

tenancy failure and ensuring fairness and social inclusion (*Solihull Care Trust*)

3. There is a need for support for the whole process of the moving home experience for some groups of applicants and voluntary organisations could play a part in this (*Solihull Churches Action on Homelessness*)
4. Identification of the difficult problem of people moving into tenancies and lacking essential items (cooker, cooking utensils etc). This is an important wider consideration in giving people the opportunity to maintain their tenancy (*Solihull Churches Action on Homelessness*)
5. One respondent noted that when a person is allocated a property they have to go to the Chelmsley Wood office to pick up keys. Occasionally staff don't have all of the necessary keys resulting in the person having to make another journey before they can view the property. This leads to a long journey and expenditure on transport, which can be particularly difficult for vulnerable people (*Birmingham & Solihull Women's Aid*)

8. Policy Recommendations and Next Steps

8.1 Recommendations

The Council and SCH will introduce a new Housing Allocations scheme in June 2007.

The new approach will fundamentally change the basis of the system so that available social housing is advertised and people 'bid' for properties. Feedback is given on the type of priority that was successful in obtaining properties in the preceding advertising cycle. The profile of social housing availability can be said to be greater and the customer relationship more dynamic. This presents opportunities to ensure the reach of the Policy and the advertising is as inclusive as possible.

It is intended that the design and implementation of the new scheme will take the findings of this Full EIA into account, and implement the following recommendations. Where possible, recommendations will be implemented in advance of the new scheme.

Recommendation 1 Improved Housing Application form

1. Design a simplified form
2. Ensure that the specific comments in 7.3.1 are incorporated
3. Consult with the Council's Communications Team to review the form for plain English, format and design
4. Consider outsourcing the draft policy document and application form to an external expert. An indicative cost for this is approximately £800 which could be funded from the Council's agreed contribution to the implementation of a new Housing Allocations scheme
5. Consider applying for the Plain English Campaign's Crystal Mark, to ensure that the form and policy are as clear as possible. To outsource the work above to the Plain English Campaign and have it accredited would cost approximately £1,300

Recommendation 2 Allocations Policy

1. Replace the current points system with a simpler banding system for establishing relative priority for housing
2. In drafting the new Policy have regard to the specific points made in 7.3.2 above regarding terminology and language
3. Consider whether it would be preferable to suspend applications pending production of evidence that previously 'bad' behaviour is being

addressed in a positive way. Alternatively consideration be given to removing terms such as 'bad' and to deal with the specific circumstances which can result in deferral or suspension of an application

4. Ensure that where racial harassment is mentioned in policies, all types of harassment based on hate crime, including homophobic and transphobic harassment, are included
5. Include a statement in the Policy which clarifies that all offences will be considered individually
6. The Policy should be explicit that 'medical need' means both physical and mental health needs
7. Consult with the Council's Communications Team to review the wording of the Policy for plain English, format and design
8. Consider applying for the Plain English Campaign's Crystal Mark, to ensure that the Policy is as clear as possible or consider outsourcing the drafting of the Policy to an external expert, ensuring that they are aware of the substantive points raised in this Assessment (see Recommendation 1, point 5)
9. Ensure that the Policy complies with the CLGs Code of Guidance on the Allocation of Accommodation and other good practice

Recommendation 3 Improvements to monitoring

The general approach to monitoring is described in Section 6 above.

1. It is recommended that the Council monitor the equalities groups of race, age, gender and disability (see Section 6 above)
2. Under the operation of a new Allocations scheme,
 - Bidding patterns will be monitored by equalities group
 - The pattern of lettings to equalities groups will be monitored, with tenancy support offered so that people feel more confident about bidding for areas where they might otherwise feel isolated or fear racial harassment
3. The 'by-pass' monitoring (see Section 5, point 5) will be more effective under the new system. In addition it is intended that people will be notified of the fact that they have been bypassed and the reason why. The open and transparent nature of the scheme will result in greater scrutiny of outcomes – SCH will be providing regular feedback advising applicants of lettings outcomes (banding priority and date of registration of successful 'bidders' for example). In this way, applicants will be able to assess their priority against those who obtained tenancies of the

properties in which they expressed an interest. If they feel they have been overlooked (and haven't been told why) they will have a better basis to question the letting decision. A significant advantage of the new Housing Allocations scheme is that it will remove the area of potential discrimination around officers deciding who will receive a property offer and making assumptions over what a person will or wont accept.

Recommendation 4 Improvements to housing advice

1. An important aspect of the new system will be the transfer of SCH staff time from administrative to customer responsibilities. A 'Housing Options' approach will continue to be developed as part of the new Policy that will provide more comprehensive advice to people seeking social housing. The introduction of a new Policy and approach raises the importance of the points made regarding staff training and development (Section 8.1 below)
2. During the implementation of the new Housing Allocations scheme, the Council and SCH will consider how local voluntary organisations might be used to help deliver advice and assistance to people intending to make housing applications

Recommendation 5 Assistance to vulnerable persons

As described above, it is intended that the new system will place a priority on assisting vulnerable people more effectively than at present. A specific piece of work by a housing association that provides important support services for vulnerable people will help to ensure that the new system will provide a quality service to vulnerable people

1. The implementation of the new Policy to link closely with organisations who advocate on behalf of vulnerable people to ensure that they are able to assist their clients with trying to secure Council accommodation
2. Monitor the bidding levels of vulnerable clients to ensure that they are accessing social housing and if necessary instigating bids on their behalf

Recommendation 6 Improved information and publicity

1. Produce a summary guide of the Policy to help promote its accessibility. This will 'signpost' people on how to get more information
2. Ensure that the policy, the summary guide and application form are available in appropriate community languages
3. Ensure that the new scheme 'Solihull Home Options' is advertised as widely as possible prior to the launch and publicity material circulated to as many organisations as possible

4. Ensure access points for 'Solihull Home Options' are dispersed throughout the Borough and that information points are in a wide variety of locations
5. Jointly review with housing associations the awareness in the community of applying for social housing
6. Consider how the new scheme can be publicised at local events, community gatherings and at religious institutions

Recommendation 7 Staff training and development

1. The SCH Development and Training Plan to ensure that all relevant staff are trained in equalities and diversities awareness
2. SCH to consider whether the selection and recruitment process for new and transferring staff should include standard equality and diversity questions
3. Training and guidance for relevant officers to ensure that the application of discretion and subjective matters (e.g. 'unacceptable behaviour') is reasonable, fair and consistent
4. There is a need to consider how officer decision making can be 'mapped' to ensure there is no discriminatory practice, and inform any training requirements – although the potential for this will be reduced under the new system (see Recommendation 3 point 3 above)
5. Ensure that relevant staff know how to effectively 'signpost' applicants to other appropriate organisations which could offer extra assistance e.g. Age Concern for older people
6. Consider whether there is a need for any pro-active steps to be taken to ensure that the SCH work force reflects its local community
7. Consider the need and justification for carrying out 'mystery shopping' exercises to assess the advice role in relation to equality and diversity

Recommendation 8 Review of decisions

1. Ensure that the review process is clear and the process is explained clearly on the summary document and the policy
2. The review process should also be available in community languages and other accessible formats
3. Ensure that the review process and outcomes are monitored closely and presented periodically to the SCH Monthly Monitoring Meeting

8.2 Next Steps

The next steps for this Full EIA will be as follows,

1. Report the EIA to the Cabinet Member for Regeneration – February 2007, including a recommendation that it be taken into account in implementing a new Housing Allocations scheme
2. Report EIA to the Partnership Board overseeing the introduction of a new Housing Allocations scheme February 2007

The new Housing Allocations scheme will be implemented in the period to June 2007.

The scheduling of the actions in 8.1 will occur as part of the timeline for the implementation plan for the new Housing Allocations scheme.

Monitoring of equalities impacts will occur on a six monthly basis and be reported to the Monthly Monitoring Meeting.

The new Housing Allocations scheme will be reviewed after 6 months of operation. This will include an assessment of its outcomes for equalities groups.

9. Publication of Equality Impact Assessment

This EIA will be reported to the Cabinet Member for Regeneration in February 2007. After this a summary will be published on the Council's web site and made available to external organisations.

10. Conclusions

The proposals will, if fully implemented, promote equality of opportunity and strengthen the promotion of equalities and diversity in Solihull. The costs of implementing the proposals are considered low and capable of incorporation into the implementation of the new Allocations scheme within the Council's maximum financial support for the project.