

Equalities Impact Assessment (EqIA)

EqIAs make services better for everyone and support value for money by getting services right first time.

EqIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then create an action plan to get the best outcomes for service users and staff¹. They analyse how all our work as a council might impact differently on different groups protected from discrimination by the Equality Act 2010². They help us make good decisions and evidence how we have reached them.³

An EqIA needs to be started as a project starts to identify and consider possible differential impacts on people and their lives, inform project planning and, where appropriate, identify mitigating actions. A full EqIA must be completed before any decisions are made or policy agreed so that the EqIA informs that decision or policy. It is also a live document; you should review and update it along with your project plan throughout.

You should first consider whether you need to complete this full EqIA⁴.

Other key points to note:

- Full guidance notes to help you are embedded in this form – see the End Notes or hover the mouse over the numbered notes.
- Please share your EqIA with your Equalities Champion and the final/updated version at the end of the project.
- Major EqIAs should be reviewed by the relevant Head of Service.
- Examples of completed EqIAs can be found on the Equalities Hub

1. Responsibility for the EqIA

| | |
|---|--|
| Title of proposal ⁵ | Housing Allocation Scheme Review |
| Name and job title of completing officer | Andy Gale, Consultant Laura Giles, Head of Strategy and Compliance (The Barnet Group) |
| Head of service area responsible | Susan Curran, Head of Housing and Regeneration |
| Equalities Champion supporting the EqIA | Rosie Evangelou, Consultation and Engagement Manager |
| Performance Management rep | n/a |
| HR rep (for employment related issues) | n/a |
| Representative (s) from external stakeholders | n/a |

2. Description of proposal

| | |
|--|---|
| Is this a: (Please tick all that apply) | |
| New policy /strategy / function / procedure / service <input type="checkbox"/> | Review of Policy /strategy / function / procedure / service <input checked="" type="checkbox"/> |
| Budget Saving <input type="checkbox"/> | Other <input type="checkbox"/> |
| If budget saving please specify value below: £ | If other please specify below: |
| <p>The proposal being assessed is the review of the council's Housing Allocation Scheme.</p> <p>Under Section 166A of the Housing Act 1996, as amended by the Localism Act 2011, every local housing authority in England must have a scheme (their "allocation scheme") for determining priorities, and as to the procedure to be followed, in allocating housing accommodation. The Housing Allocation Scheme is</p> | |

one of the most important policy documents for the council. It makes a real difference to people’s lives, but inevitably there are far more residents seeking social housing than there are properties available to let.

The council established new priorities following the May 2022 local elections, including a commitment to review the council’s housing allocations and revert to a two-offer policy for social housing, and to introduce a local lettings policy to ensure local residents benefit first from regeneration projects. The updated Housing Allocation Scheme incorporates the administration’s priority changes in addition to a number of other changes proposed by the Housing Options service to ensure clarity, fairness, and the smooth-running of the service and application of the policy.

As an extensive EIA was completed in 2017 and amended in 2018 and this EIA specifically considers the changes to the policy.

There are 3 major changes to the policy. These are:

- 1) To revert to a two reasonable offers policy, meaning an applicant would not be sanctioned after refusing their first offer.
- 2) After allocating homes to secure tenants living on a regeneration estate, at the point of decanting a non-secure tenant the council will look to provide a new home on that regeneration estate for any non-secure tenant owed a main homelessness duty (under Section 193(2) of the Housing Act 1996) who has held that non-secure tenancy for five years or more at the point vacant possession of the property is sought.
- 3) Under a local lettings policy the Council will give priority for local people living on any regeneration estate to be allocated a new home on that estate ahead of those who are otherwise waiting for housing and even if their home is not being demolished.

In addition to considering the impact of these changes, the council is required to keep under review any existing aspects of the policy. In this respect the council has chosen to review the impact of:

- 1) The 5 year residency rule due a) to changes in caselaw and b) given the on-going impact that a 5 year residency rule has on applicants who apply to join the Register.
- 2) The decision to award applicants owed a homelessness duty who are in long term temporary accommodation Band 4 which is a policy position that the Local Government Ombudsman has asked the council to consider more closely.

3. Supporting evidence

What existing data informs your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis

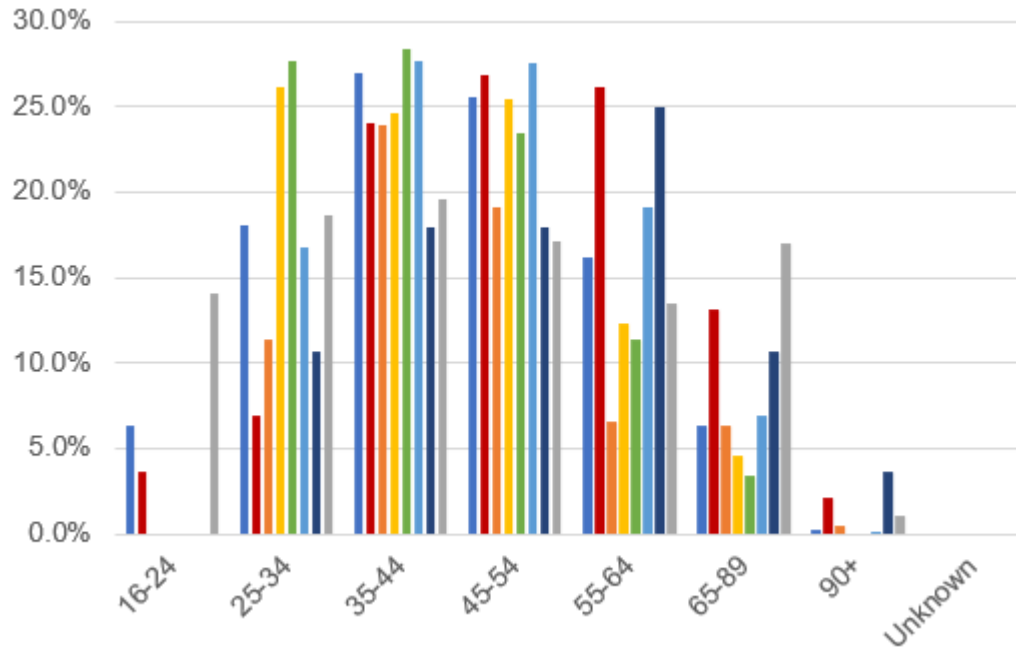
| Protected group | What does the data tell you ⁶ ? | What do people tell you ⁷ ? |
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| | <p><i>Provide a summary of any relevant demographic data about the borough's population from the <u>Joint Strategic Needs Assessment</u>, or data about the council's workforce</i></p> <p><i>The Council has considered a wide range of relevant data:</i></p> <p><i>The key data is consideration of those on the Housing Register by the protected groups. This covers the numbers on the Register by each protected group and the numbers rehoused in the last 3 years by each protected group. However, it is recognised that the Council does not have a comprehensive set of data for the households on the Housing Register and for those rehoused. This is because a large number of applicants fail to complete the section of the application form that provides personal data.</i></p> | <p><i>Provide a summary of relevant consultation and engagement including surveys and other research with stakeholders, newspaper articles correspondence etc.</i></p> |
|--|--|--|

Age⁸

The majority of the banded applicants on the waiting list are aged 25 to 64 and this is higher representation than is in the borough's overall population. The majority of lettings are spread fairly evenly across bands with higher representation of those aged 35-44 and lower representation of those aged over 65.

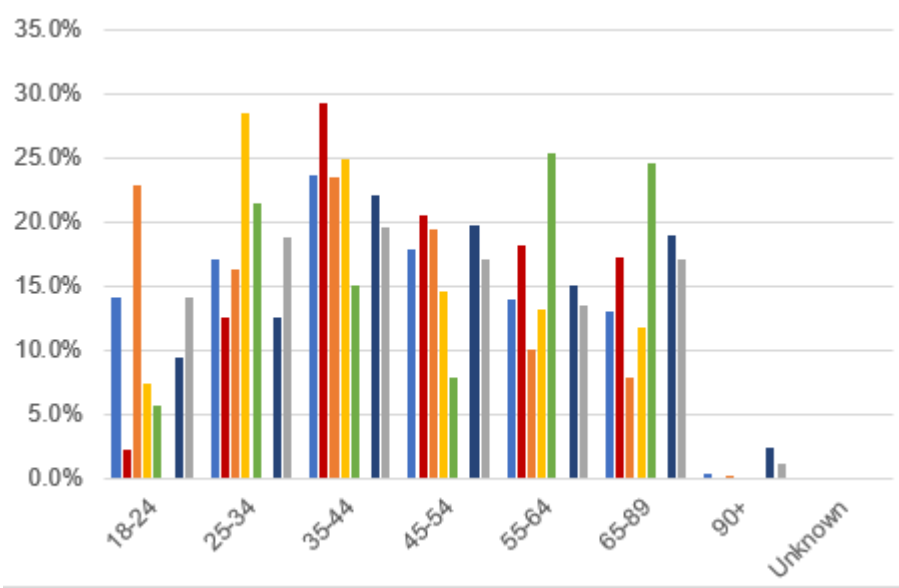
Profile of banded applicants:



The outcomes of the consultation are included in the Housing Allocation Scheme consultation summary; due to the number of respondents, analysis by protected characteristic is not considered to be statistically valid and has not been completed. There was strong support for the proposed changes from all respondents.

- Banded Applicants Profile
- Band 1 Profile
- Band 2 Profile
- Band 3 Profile
- Band 4 Profile
- Band 4 (TA) Profile
- Direct Offer Profile
- Barnet Profile (Census 2021)

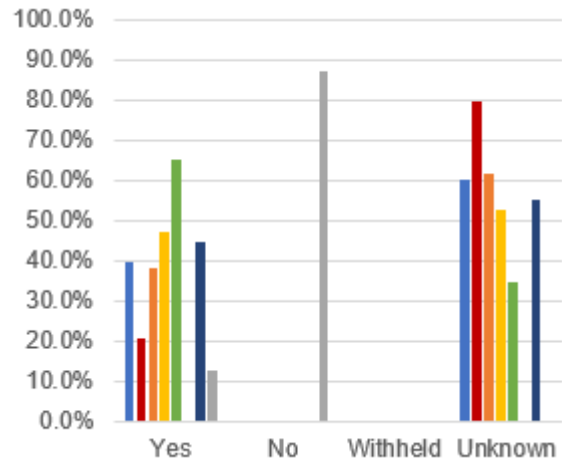
Profile of lettings (April 2021- March 2023):



| | <ul style="list-style-type: none"> ■ All Lettings Profile ■ Band 1 Profile ■ Band 2 Profile ■ Band 3 Profile ■ Band 4 Profile ■ Band 4 (TA) Profile ■ Direct Offer Profile ■ Barnet Profile (Census 2021) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Disability ⁹ | <p>There is higher representation of banded applicants on the Housing Needs Register who are disabled compared to the borough’s overall population. There is also higher representation of those with a disability amongst recent social housing lettings.</p> <p>Profile of banded applicants:</p> <table border="1"> <caption>Profile of banded applicants (%)</caption> <thead> <tr> <th>Category</th> <th>All Lettings Profile</th> <th>Band 1 Profile</th> <th>Band 2 Profile</th> <th>Band 3 Profile</th> <th>Band 4 Profile</th> <th>Band 4 (TA) Profile</th> <th>Direct Offer Profile</th> <th>Barnet Profile (Census 2021)</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td>45%</td> <td>18%</td> <td>28%</td> <td>35%</td> <td>42%</td> <td>15%</td> <td>45%</td> <td>12%</td> </tr> <tr> <td>No</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>85%</td> </tr> <tr> <td>Withheld</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> </tr> <tr> <td>Unknown</td> <td>52%</td> <td>78%</td> <td>68%</td> <td>62%</td> <td>55%</td> <td>80%</td> <td>52%</td> <td>0%</td> </tr> </tbody> </table> | Category | All Lettings Profile | Band 1 Profile | Band 2 Profile | Band 3 Profile | Band 4 Profile | Band 4 (TA) Profile | Direct Offer Profile | Barnet Profile (Census 2021) | Yes | 45% | 18% | 28% | 35% | 42% | 15% | 45% | 12% | No | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 85% | Withheld | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | Unknown | 52% | 78% | 68% | 62% | 55% | 80% | 52% | 0% | <p>The outcomes of the consultation are included in the Housing Allocation Scheme consultation summary; due to the number of respondents, analysis by protected characteristic is not considered to be statistically valid and has not been completed. There was strong support for the proposed changes from all respondents.</p> |
| Category | All Lettings Profile | Band 1 Profile | Band 2 Profile | Band 3 Profile | Band 4 Profile | Band 4 (TA) Profile | Direct Offer Profile | Barnet Profile (Census 2021) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Yes | 45% | 18% | 28% | 35% | 42% | 15% | 45% | 12% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| No | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 85% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Withheld | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unknown | 52% | 78% | 68% | 62% | 55% | 80% | 52% | 0% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

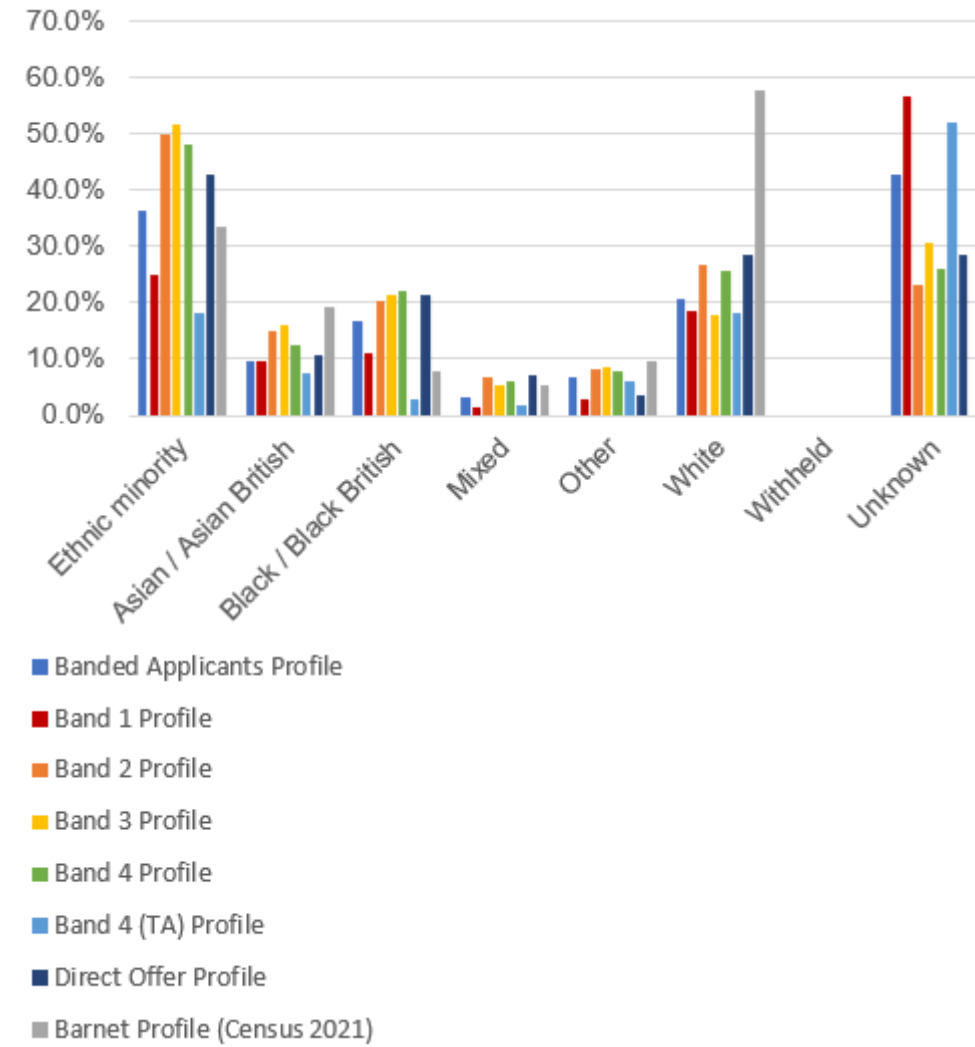
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- Direct Offer Profile
- Barnet Profile (Census 2021)

Profile of lettings (April 2021- March 2023):



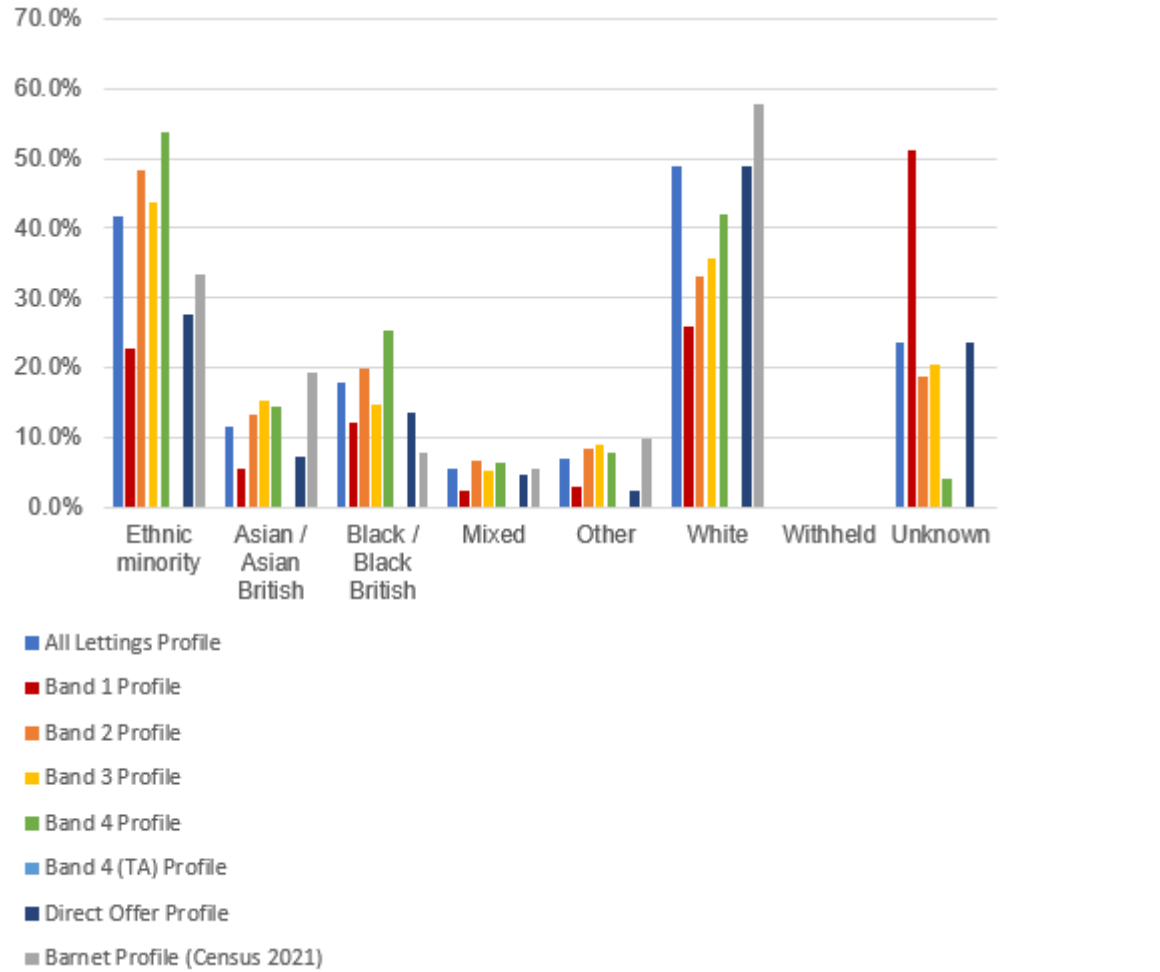
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| | <ul style="list-style-type: none"> ■ All Lettings Profile ■ Band 1 Profile ■ Band 2 Profile ■ Band 3 Profile ■ Band 4 Profile ■ Band 4 (TA) Profile ■ Direct Offer Profile ■ Barnet Profile (Census 2021) | |
| <p>Gender reassignment¹⁰</p> | <p>Information currently not captured</p> | <p>The outcomes of the consultation are included in the Housing Allocation Scheme consultation summary; due to the number of respondents, analysis by protected characteristic is not considered to be statistically valid and has not been completed. There was strong support for the proposed changes from all respondents.</p> |
| <p>Marriage and Civil Partnership¹¹</p> | <p>Protected characteristic only relevant regarding employment matters</p> | |
| <p>Pregnancy and Maternity¹²</p> | <p>Information currently not captured</p> | |
| <p>Race/ Ethnicity¹³</p> | <p>There is higher representation of banded applicants on the Housing Needs Register who are from a Black / Black British background compared to the borough's overall population. There is also higher representation of those who are from a Black / Black British background amongst recent social housing lettings.</p> | <p>The outcomes of the consultation are included in the Housing Allocation Scheme consultation summary; due to the</p> |

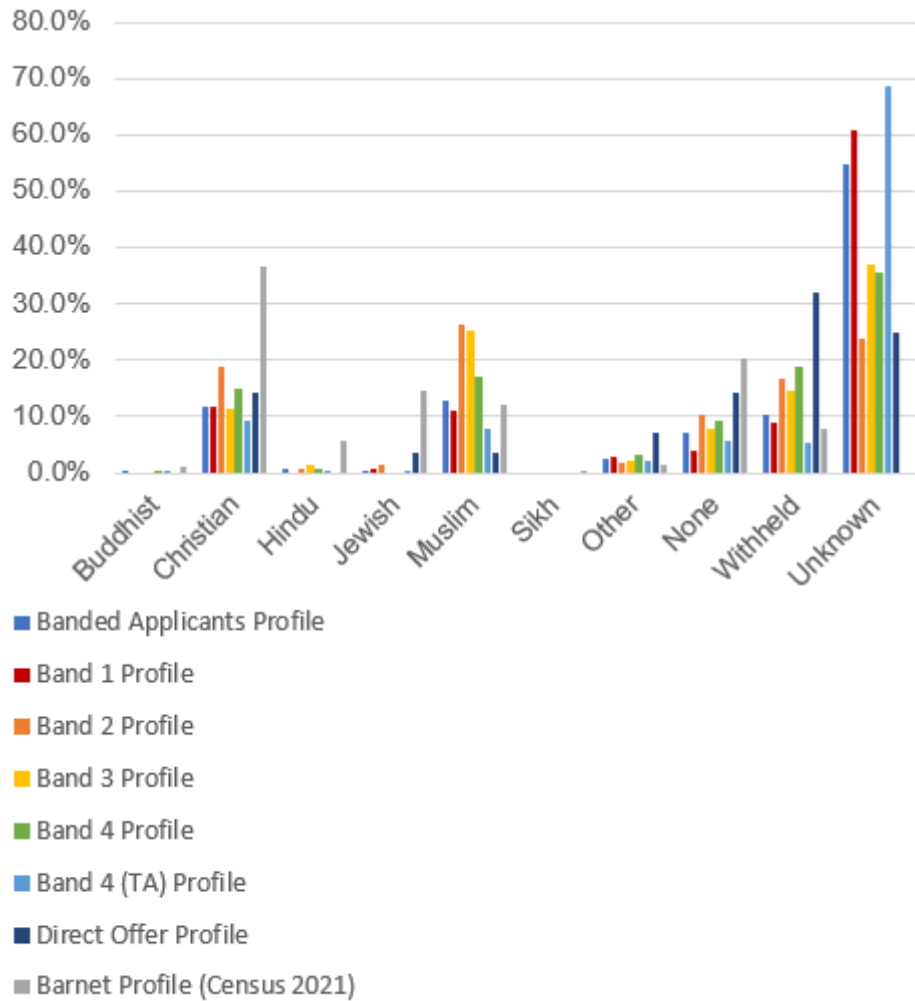
Profile of banded applicants:



Profile of lettings (April 2021- March 2023):

number of respondents, analysis by protected characteristic is not considered to be statistically valid and has not been completed. There was strong support for the proposed changes from all respondents.

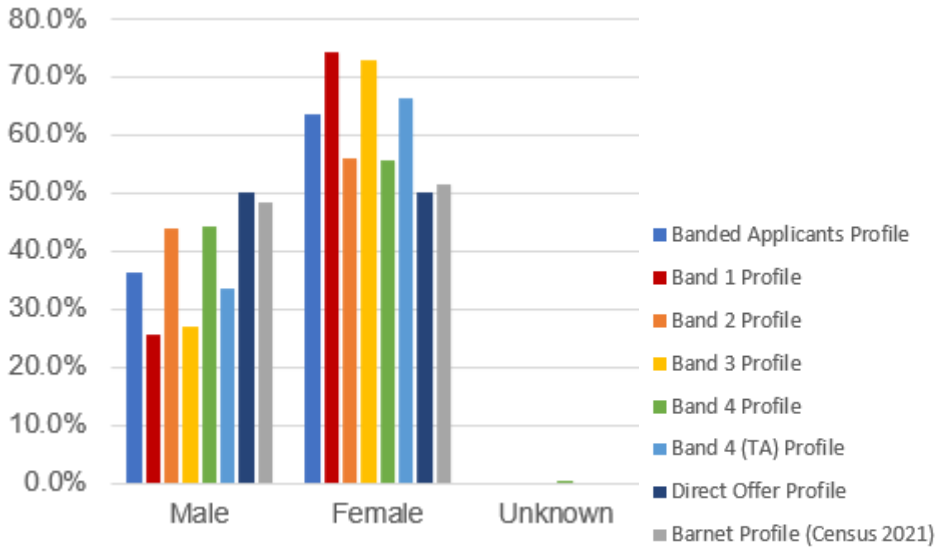
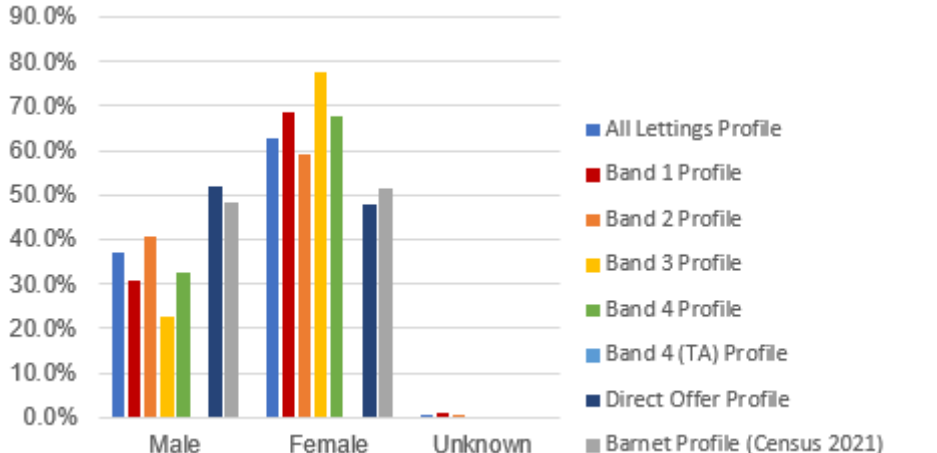
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| |  <p>The chart displays the percentage distribution of banded applicants across different ethnic groups, comparing them to the overall 'All Lettings Profile' and the 'Barnet Profile (Census 2021)'. The y-axis represents percentages from 0.0% to 70.0%. The x-axis lists ethnic groups: Ethnic minority, Asian / Asian British, Black / Black British, Mixed, Other, White, Withheld, and Unknown. The legend identifies eight profiles: All Lettings Profile (blue), Band 1 Profile (red), Band 2 Profile (orange), Band 3 Profile (yellow), Band 4 Profile (green), Band 4 (TA) Profile (light blue), Direct Offer Profile (dark blue), and Barnet Profile (Census 2021) (grey).</p> | |
| <p>Religion or belief¹⁴</p> | <p>There is slightly higher representation of those who are Muslim amongst recent social housing lettings.</p> <p>Profile of banded applicants:</p> | <p>The outcomes of the consultation are included in the Housing Allocation Scheme consultation summary; due to the number of respondents, analysis by protected</p> |

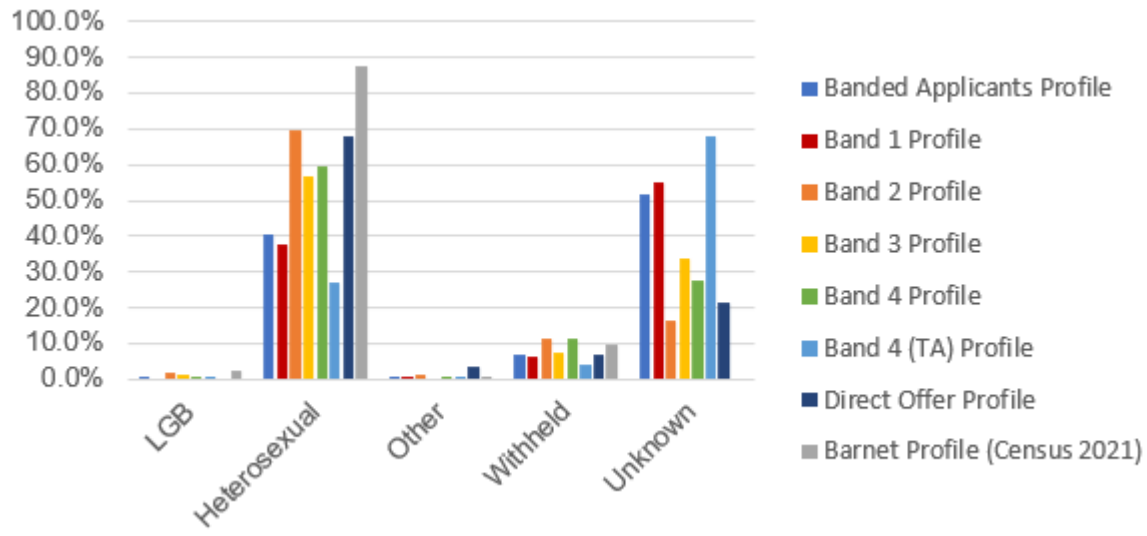


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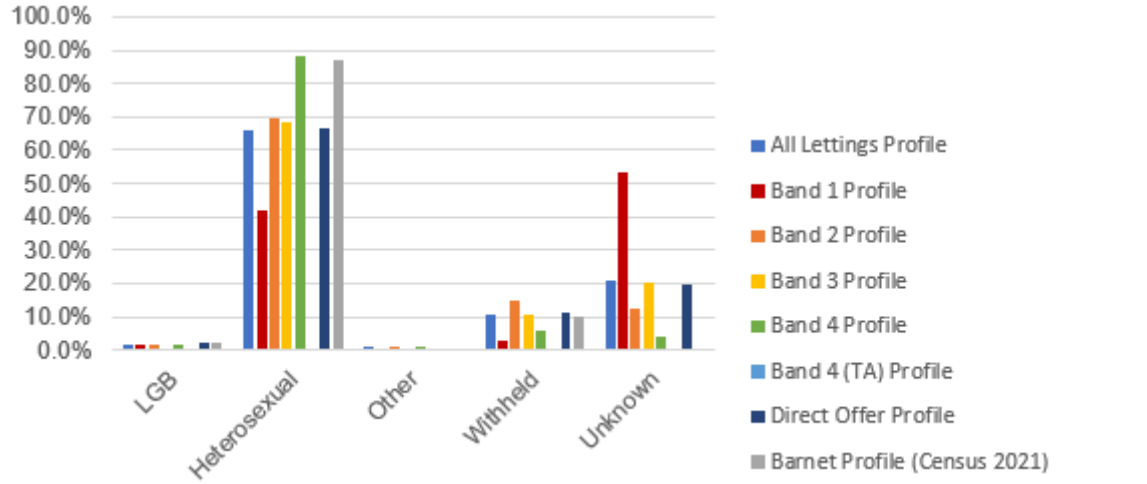
characteristic is not considered to be statistically valid and has not been completed. There was strong support for the proposed changes from all respondents.

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| | <p>The chart displays the percentage of applicants for different housing profiles across various religious groups. The y-axis represents the percentage from 0.0% to 60.0%. The x-axis lists the religious groups: Buddhist, Christian, Hindu, Jewish, Muslim, Sikh, Other, None, Withheld, and Unknown. The legend identifies the profiles: All Lettings Profile (blue), Band 1 Profile (red), Band 2 Profile (orange), Band 3 Profile (yellow), Band 4 Profile (green), Band 4 (TA) Profile (light blue), Direct Offer Profile (dark blue), and Barnet Profile (Census 2021) (grey). The 'Unknown' category shows a notably high percentage for the Band 1 Profile, exceeding 50%.</p> | |
| <p>Sex¹⁵</p> | <p>There is higher representation of banded applicants on the Housing Needs Register who are female compared to the borough's overall population.</p> <p>There is also higher representation of those who are female amongst recent social housing lettings.</p> <p>Profile of banded applicants:</p> | <p>The outcomes of the consultation are included in the Housing Allocation Scheme consultation summary; due to the number of respondents, analysis by protected characteristic is not</p> |

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| |  <p>Profile of lettings (April 2021- March 2023):</p>  | <p>considered to be statistically valid and has not been completed. There was strong support for the proposed changes from all respondents.</p> |
| <p>Sexual Orientation¹⁶</p> | <p>Profile of banded applicants:</p> | <p>The outcomes of the consultation are included in the Housing Allocation</p> |



Profile of lettings (April 2021- March 2023):



Scheme consultation summary; due to the number of respondents, analysis by protected characteristic is not considered to be statistically valid and has not been completed. There was strong support for the proposed changes from all respondents.

Other relevant groups¹⁷

4. Assessing impact

What does the evidence tell you about the impact your proposal may have on groups with protected characteristics ¹⁸?

| Protected characteristic | For each protected characteristic, explain in detail what the evidence is suggesting and the impact of your proposal (if any). Is there an impact on service deliver? Is there an impact on customer satisfaction? Click the appropriate box on the right to indicate the outcome of your analysis. | Positive impact | Negative impact | | No impact |
|--------------------------|---|-----------------|-----------------|-------|-----------|
| | | | Minor | Major | |
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| <p>Age</p> | <p>The policy changes make no specific reference to age and is unlikely to have a discriminatory impact on younger/older people. It is not expected there will be any adverse impact on the grounds of age as a consequence of the changes to the Allocation policy.</p> <p>The Housing Needs Register is dominated by households owed a statutory homeless duty and the homeless population are predominantly younger people. people aged 30-39 years make up the biggest group of applicants on the register and of homeless acceptances.</p> <p>Women aged 30-39 years are the biggest group of homeless applicants, followed by women aged 20-29 years.</p> <p>We have no evidence that those in any age group who are on the Housing Needs Register are disadvantaged in their access to social housing due to their age. Housing legislation provides specific protection and priority for young applicants (16 -17 year olds) and homeless applicants who are vulnerable as a result of age.</p> <p>Low numbers in homelessness acceptances for older people indicate that current sheltered and extra care services available alongside non-age restricted accommodation adequately meets the current housing needs of our older population.</p> <p>There are positive impacts arising out of some of the changes for younger people and overall we do not anticipated adverse influences under this protected characteristic.</p> <p>Positive impacts include:</p> <p>Reverting to a two reasonable offers policy will give all applicants regardless of age more choice. Under the current policy younger people may not fully realise</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | <p>the consequences of refusing 1 offer whereas reverting to a 2 offer policy will provide a second offer.</p> <p>Applicants who are homeless will still have their homeless duty ended through the refusal of one suitable offer (this reflects the current policy and is not a change). However, if they continue to have a statutory housing need for one of the other reasonable preference groups they will, under the new policy, be banded to reflect that need and still able to receive a second offer.</p> <p>The change so that at the point of decanting a non-secure tenant, the council will look to offer a new home on that regeneration estate for any non-secure tenant owed a main homelessness duty who has held a non-secure tenancy on that estate for five years or more, will have a positive impact on younger people who largely make up those households who are owed a main homeless duty.</p> <p>To band applicants owed the new prevention and relief of homelessness duties brought in under the Homelessness Reduction Act 2017 is a legal requirement and will mean priority banding for applicants who are not just owed a main homelessness duty. This will again have a positive impact on younger people who owed a homeless duty make up the majority of the Register.</p> <p>It is likely that there will be a positive impact for all age groups as the changes to the policy to band applicants owed a prevention or relief of homelessness duty will mean that all ages now have a banding to reflect a homelessness prevention or relief duty.</p> <p>The change to give priority for local people living on any regeneration estate to be allocated a new home on that estate ahead of those who are otherwise waiting for housing and even if their home is not being demolished will have a minor impact on younger people who are homeless in that a small number of</p> | | | | |
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| | <p>new homes on regeneration estates will be allocated to transfer cases rather than general needs cases. However, the numbers are anticipated to be low.</p> <p>The change to allow additional successions to take place for a household member of the tenant who has died, and they lived with the tenant for at least a year immediately before their death and there is no partner who can inherit the tenancy – This will have a positive beneficial impact on younger people who are often living with older parents due to the inability to afford to rent or buy a home. A number of households will now be able to succeed to the tenancy whereas under the current policy they would have been required to vacate the property.</p> | | | | |
| Disability | <p>We anticipate there will be no anticipated adverse influences under this protected characteristic in respect of the changes.</p> <p>Loss of accommodation due to a deterioration in health, whether sudden or gradual, is a common cause of homelessness. In addition, around half of all homeless households applying to Barnet council for assistance in 2022/23 were recorded to have a support need. A history of mental health problems and physical health or disability accounted for an estimated 20% of the support needs of this group respectively. (HCLIC Government Homelessness Statistics).</p> <p>There are also some positive impacts arising out of the revised policy.</p> <ul style="list-style-type: none"> a) The section covering disqualification for unacceptable behaviour has been extended to take account of the cause of the behaviour including mental health problems. b) The revised policy also includes a section setting out how the council will consider a claim that an extra bedroom is required for ADHD, Asperger's, sensory processing difficulties, and other mental or physical health problems. This was not covered in the current policy and a procedure for accessing the need for an extra bedroom is set out in Annex 5 of the revised policy. | ☒ | ☐ | ☐ | ☐ |
| Gender reassignment | <p>Information is currently not captured for this protected characteristic. However, the policy changes make no specific reference to gender reassignment and there</p> | ☐ | ☐ | ☐ | ☒ |

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| | <p>is unlikely to be a discriminatorily impact people based on this protected characteristic.</p> <p>The policy changes take into account individual needs and circumstances when deciding for example what constitutes a suitable accommodation offer of social housing. This will include taking into account the gender assigned to the applicant or a member of their household at the point of decision on a case-by- case basis. The revised policy now includes a definition of a suitable offer to help officers assess cases where an offer has been refused.</p> | | | | |
| <p>Marriage and Civil Partnership</p> | <p>The policy changes make no specific reference to marital or civil partnership status and are unlikely to have a discriminatorily impact on people based on their marriage or civil partnership status. Applicants will continue to be able to apply to join the Register as a married couple or in a civil partnership wherein they will be treated as a single household.</p> <p>Applicants will not be disadvantaged by any of the proposed changes regardless of whether they are married or in a civil partnership or not.</p> <p>We anticipate that all applicants who are currently registered will continue to be assisted and therefore there will be no anticipated adverse impact under this protected characteristic.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Pregnancy and Maternity</p> | <p>Data is currently not captured for this protected characteristic.</p> <p>The policy changes make no specific reference to pregnancy and maternity and are unlikely to have a discriminatorily impact.</p> <p>Applicants will not be disadvantaged by any of the proposed changes regardless of whether they are pregnant or on maternity leave.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| | <p>We anticipate that all applicants who are currently registered will continue to be assisted and therefore there will be no anticipated adverse impact under this protected characteristic.</p> <p>Emerging families (or existing families with another child on the way) statistically tend to be more represented by households owed a homelessness duty and the Register is dominated by households owed a homeless duty. As set out under the age group the changes to policy will overall benefit households owed a homeless duty.</p> <p>A significant number of lead applicants from accepted homeless households are pregnant women. Households with children are disproportionately represented among homeless households, as are lone parents who statistically in Barnet are more likely to be women.</p> <p>The change to the number of bedrooms identified as needed by households with a baby under the age of 1 is expected to have a positive impact upon these applicants.</p> | | | | |
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| <p>Race/ Ethnicity</p> | <p>The majority of applicants on the Housing Needs Register are from minority ethnic backgrounds including the majority of applicants owed a homeless duty who are registered.</p> <p>No adverse impact is foreseen on grounds of race/ethnicity as a consequence of the changes to the Housing Allocations Policy. There will be some positive impacts. Introducing local lettings plans to promote cohesion on regeneration estates through offering a new home on that regeneration estate for any non-secure tenant owed a main homelessness duty who has held a non-secure tenancy on that estate for five years or more, is likely to have a positive impact on people with this protected characteristic.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Religion or belief</p> | <p>Data about the religion and belief of households on the housing needs register are recorded, although there is a large percentage of cases recorded as unknown.</p> <p>Applicants will not be disadvantaged by any of the proposed changes regardless of their religion or belief and we anticipate that all applicants who are currently registered will continue to be assisted. No adverse impact is foreseen on grounds or religion or belief as a consequence of the changes to the Housing Allocations Policy.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Sex</p> | <p>Women make up the majority of applicants on the Housing Needs Register and the majority that receive an offer of social housing. This is because women are likely to be the main carers and are more likely as a result to come under one of the reasonable preference categories for a statutory housing need. This is likely to be unaffected by the changes proposed.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| | <p>The policy changes make no specific reference to gender and is unlikely to discriminatorily impact people based on the gender to which they identify. They are not restricted to, or directed at, any particular group of people.</p> <p>In relation to gender, there are a high number of women in the homelessness cohort, e.g. single parents who presented as homeless to the council.</p> <p>Given the majority of applicants on the Register are owed homeless duty then the positive impact of the changes for homeless applicants, referred to elsewhere in this assessment will equally apply to women.</p> | | | | |
| Sexual Orientation | <p>There is limited data held about this protected characteristic due to the high number of applicants who choose not to answer this question on their application form.</p> <p>However, no adverse impact is foreseen on grounds sexual orientation as a consequence of the changes to the Housing Allocations Policy.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| 5. Other key groups Are there any other vulnerable groups that might be affected by the proposal? <i>These could include carers, people in receipt of care, lone parents, people with low incomes or unemployed</i> | Positive impact | Negative impact | | No impact |
|--|-----------------|-----------------|-------|-----------|
| | | Minor | Major | |
| | | | | |

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| <p>Key groups</p> | <p>Revised consideration of the 5 year continuous residency rule</p> <p>The equality impact of the 5 year residency rule was fully considered in the impact assessment in July 2017. The additional considerations below should be read in conjunction with the 2017 assessment.</p> <p>It is recognised that a residency requirement of 5 years will impact on refugees, non-UK nationals, Gypsies and Irish Travellers and some other groups. The council has sought to:</p> <ul style="list-style-type: none"> a) Strike the right balance between disadvantage to some groups of a residency requirement and the policy aims of the residence requirement which is to prioritise applicants who can demonstrate they have settled in the Borough for a period of 5 years continuous residence b) Mitigate any impact by building in exemptions and consideration of exceptional circumstances for applicants who do not meet the residency rules. <p>The impact and mitigation is considered more fully below.</p> <p>The Localism Act implemented in 2012 allows local authorities to determine who may join their register. Statutory guidance from the Government’s DLUHC Department strongly encourages all local authorities to adopt a residency test as part of their qualification criteria.</p> <p>In accordance with the underpinning philosophy of the Localism Act and Government Guidance, Barnet embraces the principle of giving greater priority to applicants in housing need with a local connection to the area based on a period of 5 years continuous residence.</p> <p>Local connection rules including length of residency were strongly supported in the 2017 consultation and demonstrate a positive commitment to the area and contribution to the life of the local community, reflected through the length of time applicants had been settled in the Borough.</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | <p>However, the council continues to be mindful of the potential impact of continuing to adopt a residency local connection rule on some applicants who are classified as a protected group under the Equality Act. The council is satisfied that its adopted rule achieves an appropriate balance and namely any indirect discrimination of the local connection rules on applicants from a protected group has been minimised through the actions analysed below and is proportionate.</p> <p>Barnet Council is not alone in adopting a residency qualification rule and for that rule to be 5 years. The local authority statistical return to Government for 2021/22 gives the latest data re how many councils deploy a residency rule of 12 months or more.</p> <p>In total 152 out of 319 councils replied. The Government set question was how many had a residency rule of a year or more so for the non replies some will be because the rule is 6 months out of 12, some as they have no rule at all, and some would have failed to answer the question.</p> <p>The data for the 152 that did reply and had a residency rule of more than 1 year shows:</p> <p>1 year rule - 36 2-year rule - 54 3-year rule - 33 5-year rule - 23 More than 5 years - 4 (Thurrock 6 years, Epping Forest 7 years, Havering 6 years, Hillingdon 10 years)</p> <p>Therefore, the data records that 17.7 % of councils who reported had a residence rule of 5 years or more. In London the figure is 17 out of the 28 Boroughs that reported had a rule of 5 years or more – 60% of all councils in London that responded.</p> | | | | |
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| | <p>Importantly, the new 2023 Policy builds in further safeguards and exemptions building on the safeguards set in 2017. These additional safeguards include the fact that an applicant will retain their local connection where they have left the area due to:</p> <ol style="list-style-type: none"> 1) Living in an institution such as a prison or secure unit or a hospital and were resident in the Borough for 5 years before they entered that institution will be allowed to qualify as an exception to the 5-year continuous residence rule. 2) Having been placed outside of the area whilst in care. 3) Having been placed into temporary accommodation outside of the area by the Council. 4) Living in an institution such as a prison or secure unit or a hospital and were resident in the Borough for 5 years before they entered that institution will be allowed to qualify as an exception to the 5-year continuous residence rule. <p>Furthermore the revised policy recognises residency for:</p> <ol style="list-style-type: none"> 5) People who are forced to sleep rough in the Barnet area as long as overall, they meet the five-year period for residency 6) Extends the 5-year residency test to any partner of the applicant as well as the applicant. Under the current policy the applicant only had to demonstrate 5 years residency and would not qualify in the circumstances where their partner had lived in Barnet for 5 years but the applicant had not. <p>The 2023 policy also extends the groups for whom exceptional circumstances will automatically be considered to any application from a Gypsy or Traveller household who does not meet the continuous period of residence rule, as the period may have been broken by periods of travelling.</p> <p>The wording for the section of the Policy (section 2.9) pertaining to how exceptional circumstances will be considered has also been strengthened. The revised section states:</p> <p><i>Barnet Council will retain the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules adopted. It is for the applicant</i></p> | | | | |
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| | <p><i>to request that discretion should be applied to their case for exceptional circumstances. Where in their application to join the Housing Needs Register an applicant makes a case for discretion to be applied for exceptional circumstances, this will be considered as part of the application. Otherwise, it is for the applicant to request a review and make the case for why discretion should be applied to their case for exceptional circumstances. A request for a review of a decision that an applicant does not meet the qualification rule will be taken as a request for any exceptional circumstances to be considered. Where requested, the council will consider whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that a qualification rule should be waived.</i></p> <p>A residency requirement of 5 years will impact on refugees and non-UK nationals, and Gypsies and Irish Travellers (though safeguards have been built in for travellers). The council has sought to strike the right balance between indirect disadvantage to some groups of a residency requirement and the policy aims of the residence requirement, which is to prioritise applicants who can demonstrate a positive commitment to the Borough through being settled in the area as defined by 5 years residence.</p> <p>The Statutory Guidance expressly highlights the need for local authorities to take proper account of exceptional or special circumstances and the wording for consideration of exceptional circumstances in the revised policy has been strengthened. The Policy also protects people who are moving into the Borough to escape violence.</p> <p>All applicants on the housing needs register will be equally disadvantaged through the 5-year residency rule and there is unlikely to be a significant difference in the proportions of people from white, BAME or mixed heritage on the register compared to the population in the Borough as a whole.</p> <p>It may still be the case under the revised Policy that by requiring residents to have resided in Barnet for 5 years to obtain the banding for their statutory housing need the council is indirectly discriminating against some applicants who come under a protected characteristic under the Equality Act. However, recent leading caselaw -</p> | | | | |
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| | <p><i>Khayyat and Westminster Council (2023)</i>, advises councils that exclusion of applicants otherwise entitled to a reasonable preference is lawful provided it is done by reference to a factor or factors of general application such as a local connection rule, rent arrears, unacceptable behaviour, etc. Exclusion that is by reference to a factor that is not of general application will not be lawful. The 5-year residency qualification rule adopted by the council is a factor of general application to all applicants.</p> <p>Furthermore, any disadvantage is only for a time period of 5 years after which an applicant will be allocated the band that fully reflects their housing need.</p> | | | | |
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| | <p>Consideration of the award of Band 4 for applicants owed a homelessness duty who are in long term temporary accommodation</p> <p>In March 2023 the Local Government and Social Care Ombudsman (LGSCO) found injustice for some applicants owed a main homelessness duty who are placed in the lowest Band - Band 4, under the Policy. Specifically, the Ombudsman found that:</p> <p><i>The Council is not taking active steps to end its duty to pre- 2012 applicants unless the lease on their accommodation is ending. At which point the council increases their priority for housing. This means that families remain in the limbo of temporary accommodation until their need to move becomes urgent.</i></p> <p><i>Therefore, the council neither awards sufficient priority under the allocations scheme to give a realistic prospect of securing social housing nor makes active attempts to end its duty in another way to households owed a main duty since before November 2012. I consider this creates a situation in which over 900 households have been homeless for over a decade</i></p> <p>The LGSCO asked the council to review its scheme in this respect and the impact on homeless applicants placed in Band 4.</p> <p>Given that applicants with one or more protected characteristics account for the majority of applicants who are owed a homeless duty who are on the Housing Need Register, the council has taken a number of steps to mitigate the impact on applicants with a protected characteristic. The actions taken are:</p> <p>1) The Housing Options Service has implemented a “PRS prioritisation scheme” and in June 2023 has written to all those affected Band 4 applicants in long-term TA about the new scheme which will give them preference for a PRS property if they confirm they would like to participate. The scheme is voluntary as those pre-2012 applicants have no obligation to accept an offer in the PRS. This initiative is in response to the LGSCO’s concern that <i>the council neither awards sufficient priority under the allocations scheme to give a realistic prospect of securing social housing nor makes active attempts to end its duty in another way to households owed a</i></p> | ☒ | ☒ | ☐ | ☐ |
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| | <p><i>main duty since before November 2012.</i> The new initiative should result in a higher proportion of these cases moving on into the private rented sector.</p> <p>2) The council will more closely monitor Band 4 temporary accommodation cases to check whether there has been a change of circumstances that would mean they should be prioritised for rehousing. Checking data for 2021/22 it is not the case that no households are rehoused. Up to December 2022, the council had ended its duty to a total of 197 Band 4 TA households which is 17.8% of the 1,106 Band 4 cases owed that duty at that time.</p> <p>3) This group is also expected to experience a positive impact as a result of the major changes to the policy. Specifically, the change to the current policy will give some Band 4 TA cases living on regeneration estates an opportunity to obtain a secure tenancy of a new home on the estate where they live. Under this change after allocating homes to secure tenants living on a regeneration estate, at the point of decanting a non-secure tenant the council will look to provide a new home on that regeneration estate for any non-secure tenant owed a main homelessness duty (under Section 193(2) of the Housing Act 1996) who has held that non-secure tenancy for five years or more at the point vacant possession of the property is sought.</p> <p>Given the actions taken by the council in response to the LGSCO report the council does not intend to increase the banding priority for pre- 2012 applicants owed a main duty who are awarded Band 4 for being accommodated in long term TA.</p> | | | | |
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| | <p>Families and lone parents, people with a low income, people not in employment, education, or training, carers, all may come into contact with housing services in Barnet and due to the nature of social housing are more likely to be highly represented within the affected population of housing applicants.</p> <p>We may reasonably expect a broad positive impact on these group in line with the overall positive impact on all protected characteristics. This includes the positive impact due to the main changes to the policy regarding the number of offers and the local lettings policies.</p> | ☒ | ☐ | ☐ | ☐ |
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6. Cumulative impact¹⁹
 Considering what else is happening within the council and Barnet could your proposal contribute to a cumulative impact on groups with protected characteristics?

Yes No

If you clicked the Yes box, which groups with protected characteristics could be affected and what is the potential impact? Include details in the space below

7. Actions to mitigate or remove negative impact
 Only complete this section if your proposals may have a negative impact on groups with protected characteristics. These need to be included in the relevant service plan for mainstreaming and performance management purposes.

| Group affected | Potential negative impact | Mitigation measures ²⁰ <i>If you are unable to identify measures to mitigate impact, please state so and provide a brief explanation.</i> | Monitoring ²¹ <i>How will you assess whether these measures are successfully mitigating the impact?</i> | Deadline date | Lead Officer |
|--|--|---|---|---------------|--------------|
| Groups that may be affected by the residency requirement of 5 years - including refugees, and non-UK nationals | Please see above (section 5, impact on other key groups) | | | | |
| Pre 2012 applicants placed in Band 4 | Please see above (section 5, impact on other key groups) | | | | |

8. Outcome of the Equalities Impact Assessment (EqIA)²²

Please select one of the following four outcomes

Proceed with no changes

The EqIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed

Proceed with adjustments

Adjustments are required to remove/mitigate negative impacts identified by the assessment

Negative impact but proceed anyway

This EqIA has identified negative impacts that are not possible to mitigate. However, it is still reasonable to continue with the activity. Outline the reasons for this and the information used to reach this decision in the space below

Do not proceed

This EqIA has identified negative impacts that cannot be mitigated and it is not possible to continue. Outline the reasons for this and the information used to reach this decision in the space below

Reasons for decision

The council is satisfied that the changes to the Policy are positive to many of the protected groups under the Equality Act and achieve an appropriate balance and if there is any negative impact on any group this is minimal.

Although it can always be argued that any change that positively impacts on the chances of social housing for one or more protected group may have a negative impact on other protected groups seeking social housing the impact is not considered to be substantial.

All applicants have a statutory right to seek a review of their housing application if they are dissatisfied with the council’s decision re how they have been assessed and the Band they have been awarded.

The Policy also provides all applicants with the opportunity to submit reasons why they believe their case should be considered under the exceptional circumstances part of the Policy.

Sign-off

| 9. Sign off and approval by Head of Service / Strategic lead ²³ | |
|--|---|
| Name Susan Curran | Job title Head of Housing and Regeneration |
| <input checked="" type="checkbox"/> Tick this box to indicate that you have approved this EqlA | Date of approval: 03/07/23 |
| <input type="checkbox"/> Tick this box to indicate if EqlA has been published Date EqlA was published: Embed link to published EqlA: | Date of next review: |

Footnotes: guidance for completing the EqIA template

¹ The following principles explain what we must do to fulfil our duties under the Equality Act when considering any new policy or change to services. They must all be met or the EqIA (and any decision based on it) may be open to challenge:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately
- **Timeliness:** the duty applies at the time of considering proposals and before a final decision is taken
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and must influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that anyone who provides services on our behalf complies with the equality duty.
- **Review:** the equality duty is a continuing duty – it continues after proposals are implemented/reviewed.
- **Proper Record Keeping:** we must keep records of the process and the impacts identified.

² Our duties under the Equality Act 2010

The council has a legal duty under this Act to show that we have identified and considered the impact and potential impact of our activities on all people with ‘protected characteristics’ (see end notes 9-19 for details of the nine protected characteristics). This applies to policies, services (including commissioned services), and our employees.

We use this template to do this and evidence our consideration. You must give ‘due regard’ (pay conscious attention) to the need to:

- **Avoid, reduce or minimise negative impact:** if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately.
- **Promote equality of opportunity:** by
 - Removing or minimising disadvantages suffered by people with a protected characteristic
 - Taking steps to meet the needs of these groups
 - Encouraging people with protected characteristics to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **Foster good relations between people who share a protected characteristic and those who don’t:** e.g. by promoting understanding.

³ EqIAs should always be proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The size of the likely impact – e.g. the numbers of people affected and their vulnerability

The greater the potential adverse impact of the proposal on a protected group (e.g. disabled people) and the more vulnerable the group is, the more thorough and demanding the process required by the Act will be. Unless they contain sensitive data – EqIAs are public documents. They are published with Cabinet papers, Panel papers and public consultations. They are available on request.

⁴ When to complete an EqIA:

- When developing a new policy, strategy, or service
- When reviewing an existing service, policy or strategy

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- When making changes that will affect front-line services
 - When amending budgets which may affect front-line services
 - When changing the way services are funded and this may impact the quality of the service and who can access it
 - When making a decision that could have a different impact on different groups of people
 - When making staff redundant or changing their roles

Wherever possible, build the EqIA into your usual planning and review processes.

Also consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people who will be affected?

If there are potential impacts on people but you decide not to complete an EqIA you should document your reasons why.

⁵ **Title of EqIA:** This should clearly explain what service / policy / strategy / change you are assessing.

⁶ **Data & Information:** Your EqIA needs to be informed by data. You should consider the following:

- What data is relevant to the impact on protected groups is available? (is there an existing EqIA?, local service data, national data, community data, similar proposal in another local authority).
- What further evidence is needed and how can you get it? (e.g. further research or engagement with the affected groups).
- What do you know from service/local data about needs, access and outcomes? Focus on each characteristic in turn.
- What might any local demographic changes or trends mean for the service or function? Also consider national data if appropriate.
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any group(s)?
- Is the service having a positive or negative effect on particular people or groups in the community?

⁷ **What have people told you about the service, function, area?**

- Use service user feedback, complaints, audits
- Conduct specific consultation or engagement and use the results
- Are there patterns or differences in what people from different groups tell you?
- Remember, you must consult appropriately and in an inclusive way with those likely to be affected to fulfil the equality duty.
- You can read LBB [Consultation and Engagement toolkit](#) for full advice or contact the Consultation and Research Manager, rosie.evangelou@barnet.gov.uk for further advice

⁸ **Age:** People of all ages, but consider in particular children and young people, older people and carers, looked after children and young people leaving care. Also consider working age people.

⁹ **Disability:** When looking at disability, consideration should be given to people with different types of impairments: physical (including mobility), learning, aural or sensory (including hearing and vision impairment), visible and non-visible impairment. Consideration should also be given to: people with HIV, people with mental health needs and people with drug and alcohol problems. People with conditions such as diabetes and cancer and some other health conditions also have protection under the Equality Act 2010.

¹⁰ **Gender Reassignment:** In the Act, a transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected. Consider transgender people, transsexual people and transvestites.

¹¹ **Marriage and Civil Partnership:** consider married people and civil partners.

¹² **Pregnancy and Maternity:** When looking at pregnancy and maternity, give consideration to pregnant women, breastfeeding mothers, part-time workers, women with caring responsibilities, women who are lone parents and parents on low incomes, women on maternity leave and 'keeping in touch' days.

¹³ **Race/Ethnicity:** Apart from the common ethnic groups, consideration should also be given to Traveller communities, people of other nationalities outside Britain who reside here, refugees and asylum seekers and speakers of other languages.

¹⁴ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. As a minimum you should consider the most common religious groups (Christian, Muslim, Hindu, Jews, Sikh, Buddhist) and people with no religion or philosophical beliefs.

¹⁵ **Sex/Gender:** Consider girls and women, boys and men, married people, civil partners, part-time workers, carers (both of children with disabilities and older cares), parents (mothers and fathers), in particular lone parents and parents on low incomes.

¹⁶ **Sexual Orientation:** The Act protects bisexual, heterosexual, gay and lesbian people.

¹⁷ **Other relevant groups:** You should consider the impact on our service users in other related areas.

¹⁸ **Impact:** Your EqIA must consider fully and properly actual and potential impacts against each protected characteristic:

- The equality duty does not stop changes, but means we must fully consider and address the anticipated impacts on people.
- Be accurate and transparent, but also realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific where you can so decision-makers have a concrete sense of potential effects.
- Questions to ask when assessing whether and how the proposals impact on service users, staff and the wider community:
 - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake of a service among different groups? Which, and to what extent?
 - Does the project relate to an area with known inequalities (where national evidence or previous research is available)?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims?
- Do the effects amount to unlawful discrimination? If so the plan **must** be modified.
- Does it relate to an area where equality objectives have been set by LBB in our [Barnet 2024 Plan](#) and our [Strategic Equality Objective](#)?

¹⁹ **Cumulative Impact**

You will need to look at whether a single decision or series of decisions might have a greater negative impact on a specific group and at ways in which negative impacts across the council might be minimised or avoided.

²⁰ **Mitigating actions**

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- Consider mitigating actions that specifically address the impacts you've identified and show how they will remove, reduce or avoid any negative impacts
 - Explain clearly what any mitigating measures are, and the extent to which you think they will reduce or remove the adverse effect
 - Will you need to communicate or provide services in different ways for different groups in order to create a 'level playing field'?
 - State how you can maximise any positive impacts or advance equality of opportunity.
 - If you do not have sufficient equality information, state how you can fill the gaps.

²¹ **Monitoring:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further monitoring, equality assessment, and consultation are needed.

²² **Outcome:**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Also explain what positive impacts will result from the actions and how you can make the most of these.
- Make it clear if a change is needed to the proposal itself. Is further engagement, research or monitoring needed?
- Make it clear if, as a result of the analysis, the policy/proposal should be stopped.

²³ **Sign off:** You will need to ensure the EqIA is signed off by your Head of Service, agree whether the EqIA will be published, and agree when the next review date for the EqIA will be.