

# Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

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## INTRODUCTION

From 1<sup>st</sup> April 2011, the Equality Act 2010 introduced a new legal duty on all public authorities.

The three arms of the act focus on the need for public authorities to have ‘due regard’ to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act:
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

The duty means that – as previously – we should analyse the effect of existing and new policies and practices on equality. However it does not specify how we should do this.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation. However, legal cases on the meaning of the previous general equality duty make it clear that we must carry out the analysis **before making the relevant policy decision**. This has not changed.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

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## A SIMPLE GUIDE TO ASSESSING EQUALITY

### What is Equality Impact Assessment (EqIA)?

- EqIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the protected characteristics as defined in the Equality Act 2010:
  - Age
  - Disability
  - Gender reassignment
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Gender
  - Sexual orientation
  - Marriage and civil partnerships
  
- This means looking at the three arms of the Equality Act, as set out in the table below, in relation to a policy or service, before a decision is made.

	Eliminating unlawful discrimination, harassment and victimisation	Advancing equality of opportunity between different groups	Fostering good relations between different groups
<b>Disability</b>			
<b>Age</b>			
<b>Pregnancy and maternity</b>			
<b>Race</b>			
<b>Religion or belief</b>			
<b>Sex</b>			
<b>Gender reassignment</b>			
<b>Sexual orientation</b>			
<b>Marriage and civil partnerships</b>			

- It includes looking for opportunities to promote equality, as well as removing or reducing negative or adverse impacts.

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## Why is it important?

- Assessing equality helps us understand the needs of our customers, makes sure our decisions meet those needs, and are also cost effective
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able to show “*due regard*”, we need to show that consideration of equality took place **prior** to a decision being taken; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced.
- Documenting our equality analysis helps the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

## How can equality be assessed?

**1. Gather information** This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service ‘hard to reach groups’, customer satisfaction surveys, MOASIC data, consider relevance to equality

**2. Assess impact** Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table. NOTE: The quality of the assessment will depend on the quality of the information gathered

**3. Take action** This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination **MUST** be actioned immediately

**4. Summarise** your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality. the greater the level of detail required. Publish your findings

**5. Monitor** the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

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**Equality Analysis Record**

# Equality Impact Assessment

<b>Title of service or policy</b>	Housing Enforcement
<b>Name of directorate and service</b>	Housing and Community Support – Private Sector Housing
<b>Name and role of officers completing the EIA</b>	Steven Hammond
<b>Date of assessment</b>	May 2018

An Equality Impact Assessment is a process of systematically reviewing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

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1.	<b>Identify the aims of the policy or service and how it is implemented.</b>	
	<b>Key questions</b>	<b>Answers / Notes</b>
1.1	Briefly describe purpose of the service/policy including:	<p>The aim of the Housing Standards Team is to improve property conditions by removing significant housing related hazards.</p> <p>The Enforcement Policy states how Housing Services will enforce legislation under the Housing Act 2004 and is used in all aspects of the teams enforcement work.</p> <p>The outcome of the policy is for Housing Services to have a consistent, open and justifiable policy for enforcing its duties and powers, many of which come under the Housing Act 2004 and other relevant legislation.</p> <p>The policy also shows how we will have a reasonable approach to enforcement and use our powers in a proportionate manner.</p> <p>The Housing Standards Team has four main areas of work all designed to fulfil our statutory obligations and improve property conditions:</p> <ul style="list-style-type: none"> <li>• Reactive work – responding to service requests and property condition complaints;</li> <li>• Licensing of Houses in Multiple Occupation (HMOs);</li> <li>• Programmed inspections of non-licensable HMOs and other high risk properties.</li> </ul> <p>The outcome of the work carried out by the Housing Standards Team is to improve property conditions, reduce significant hazards, improve well being through housing and fulfil the council's statutory functions.</p>
1.2		

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	<p>Provide brief details of the scope of the policy or service being reviewed.</p>	<p>The Housing Enforcement policy is required in order for Housing Services to adequately fulfil its statutory duties.</p> <p>It is essential that Housing Services has an enforcement policy to enable the service to adequately fulfil its requirements under the legislation and to provide openness and transparency to the public on how we work and how we will go about our duties.</p> <p>Our enforcement policy covers what enforcement action will be taken, how we will work with people, how we assess properties and how we will be open, clear, accessible and approachable.</p> <p>The enforcement policy covers our main areas of work which can be divided into two areas, reactive and proactive as described in the table below.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; vertical-align: top;"> <p><b>Reactive work</b></p> <p><u>Service requests</u></p> <p>↓      ↓</p> <p>Investigation    Action</p> </td> <td style="width: 50%; text-align: center; vertical-align: top;"> <p><b>Proactive work</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"> <p><u>HMO Licensing</u></p> <p>↓</p> <p>Investigating potentially licensable properties</p> </td> <td style="width: 50%; text-align: center;"> <p>↓</p> <p>Processing licence; applying conditions fit &amp; proper person check; Inspection</p> </td> </tr> <tr> <td style="width: 50%; text-align: center;"> <p><u>Programmed Inspections</u></p> <p>↓</p> <p>Investigation</p> </td> <td style="width: 50%; text-align: center;"> <p>↓</p> <p>Action Formal informal</p> </td> </tr> </table> </td> </tr> </table>	<p><b>Reactive work</b></p> <p><u>Service requests</u></p> <p>↓      ↓</p> <p>Investigation    Action</p>	<p><b>Proactive work</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"> <p><u>HMO Licensing</u></p> <p>↓</p> <p>Investigating potentially licensable properties</p> </td> <td style="width: 50%; text-align: center;"> <p>↓</p> <p>Processing licence; applying conditions fit &amp; proper person check; Inspection</p> </td> </tr> <tr> <td style="width: 50%; text-align: center;"> <p><u>Programmed Inspections</u></p> <p>↓</p> <p>Investigation</p> </td> <td style="width: 50%; text-align: center;"> <p>↓</p> <p>Action Formal informal</p> </td> </tr> </table>	<p><u>HMO Licensing</u></p> <p>↓</p> <p>Investigating potentially licensable properties</p>	<p>↓</p> <p>Processing licence; applying conditions fit &amp; proper person check; Inspection</p>	<p><u>Programmed Inspections</u></p> <p>↓</p> <p>Investigation</p>	<p>↓</p> <p>Action Formal informal</p>
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<p><b>1.3</b></p>	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>The policy links in with the council’s Business Plan, Statutory Housing work, Community Safety and The Council’s Health &amp; Wellbeing Strategy</p>						

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<b>3. Assessment of impact</b>	Based upon any data you have analysed, or the results of consultation or research, use the spaces below to list how the service or policy:		
	<ul style="list-style-type: none"> <li>● Meets any particular needs of each of the eleven equalities groups or helps promote equality in some way.</li> <li>● Could have a negative or adverse impact for each of the eleven equalities groups</li> </ul>		
<b>3</b>		<b>Examples of what the service has done to promote equality</b>	<b>Examples of potential negative or adverse impact and what steps have been or could be taken to address this</b>
<b>3.1</b>	<b>Gender</b> – identify the impact/potential impact of the policy on women, men and transgender people	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards gender.</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of gender.</p>	<p>There are not considered to be any adverse impact regarding gender.</p> <p>When officers carry out overcrowding visits there is a need to identify people's gender.</p> <p>.</p>
<b>3.2</b>	<b>Disability</b> - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards disability</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a person disabilities.</p>	<p>When communicating on Enforcement issues there is the potential that a person has not understood what is expected of them or the consequences of not complying with what has been required, as a result of their disability.</p> <p>It is important to make sure that people have understood what is required of them and the consequences for not taking action and that assistance can be</p>

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			provided where appropriate.
<b>3.3</b>	<b>Age</b> – identify the impact/potential impact of the policy on different age groups	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to age</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons age.</p> <p>We always offer home visits and make hard copies of information available on request.</p> <p>However, within the legislation vulnerability is considered based on the age of the most vulnerable group. This is a statutory requirement and is not influenced by our polices or procedures.</p>	<p>A lot of housing services information is available via the internet and although most age groups have access to the internet and email some of the older generation may not have the confidence or ability to access the internet.</p> <p>Where possible we always provide hard copies of documents on request and give verbal advice in person or over the phone.</p>
<b>3.4</b>	<b>Race</b> – identify the impact/potential impact on different black and minority ethnic groups	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to race</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons race.</p>	<p>Housing Services survey indicated that awareness of our services across the equality groups did not deviate significantly.</p> <p>Information gathered during routine inspections indicates that migrant workers are potentially vulnerable to poor housing conditions and this policy supports redress of those issues.</p>

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		<p>We offer translation services in a variety of languages.</p> <p>All officers are aware and can access a phone service to provide verbal translation. We also provide a translation booklet which offers translations in the 5 key languages identified in the area and we enclose this with all letters/schedules of work where appropriate.</p>	
<b>3.5</b>	<p><b>Sexual orientation</b> - identify the impact/potential impact of the policy on lesbians, gay, bisexual &amp; heterosexual people</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to sexual orientation</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons sexual orientation.</p>	<p>LGBT community may experience harassment and 'hate crime' and be reluctant to come forward with complaints about their property conditions.</p> <p>When officer's carryout overcrowding assessments there is a need to find out the occupants of the property and the occupancy of individual rooms.</p> <p>Lack of knowledge or understanding or assumptions about sexual orientation may cause embarrassment leading to people being reluctant to access the service.</p> <p>Training and development of the team to be aware of sensitivities in this area can help ensure all residents who have concerns with housing standards can come forward to the council.</p>
<b>3.6</b>	<p><b>Religion/belief</b> – identify the</p>	<p>Action taken to remove risk to health,</p>	<p>No specific issues identified</p>

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	<p>impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.</p>	<p>safety and welfare.</p> <p>The policy has no impact with regards to religion and belief</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons religion or belief.</p> <p>We show respect and flexibility for religious beliefs and festivals and try and be aware of cultural differences.</p>		
<p><b>3.7</b></p>	<p><b>Socio-economically disadvantaged</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to socio-economic</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons socio-economically circumstances</p> <p>We assist people where possible with completing any forms they need and explain things avoiding technical jargon.</p> <p>We are also in the process of having our letter templates plain English checked and we have built up a variety of contacts in various organisations to enable us to signpost users to other service providers.</p>	<p>These residents may be less of aware of the services we offer and how to approach us for information and guidance.</p> <p>Mandatory HMO licensing includes a cost to landlords. Feedback from Landlords engagement meetings indicated that fees may be passed on to tenants. This could have an affect on rental increases to people on low income.</p> <p>In liaising with other Councils who have licensing schemes , we have not had evidence that rental process increase due to this.</p> <p>Under the legislation LAs are permitted to cover their costs through a licensing fee. Fenland are unable to subsidise this mandatory service and must carry out detailed cost analysis to ensure minimum charges are applied in order to cover</p>	

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			costs.
<b>3.8</b>	<b>Gender reassignment</b>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to gender re-assignment</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons gender reassignment</p>	No issues identified
<b>3.9</b>	<b>Pregnancy &amp; Maternity</b>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to pregnancy and maternity</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons pregnancy and maternity circumstances</p>	No issues identified
<b>3.10</b>	<b>Marriage &amp; Civil partnerships</b>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to marriage and civil partnership</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons marriage and civil partnership</p>	No issues identified

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		circumstances	
<b>3.11</b>	<b>Human Rights</b>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to human rights</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons human rights</p>	<p>No issues identified , although the work of Operation pheasant has supported many residents into the national referral mechanism who may have had their rights compromised though modern day slavery and exploitation.</p>
<p>             No major change needed <input type="checkbox"/> <b>Y</b>                  Adjust the policy <input type="checkbox"/> <b>N</b>                  Adverse impact but continue <input type="checkbox"/> <b>N/A</b>                  Stop and remove / reconsider policy <input type="checkbox"/> <b>N</b> </p>			