



Regulator of  
Social Housing

# Annex 7

## Draft Equality Impact Assessment

December 2021

## Background

1. The Government's Social Housing White Paper: The Charter for Social Housing Residents<sup>1</sup>, (the White Paper) says that social housing tenants should be given access to a set of clear, comparable tenant satisfaction measures to ensure they can understand their landlord's performance. It expects the Regulator of Social Housing (the regulator) to bring in a set of tenant satisfaction measures (TSMs) for all registered providers on things that matter to tenants and to develop a process for collecting and publishing these measures. It says that the aims of the TSMs are to:
  - provide tenants with greater transparency about their landlord's performance
  - inform the regulator about how the landlord is complying with the consumer standards.

### Public sector equality duty

2. In developing our proposals for the TSMs, we are mindful of our duty to comply with the public sector equality duty (PSED) under the Equality Act 2010. The broad aim of PSED (also known as the general equality duty<sup>2</sup>) is to integrate consideration of equality and good relations into the day-to-day business of public authorities. In summary, the general equality duty places a duty on public authorities such as the regulator. to have due regard in exercising their functions, to the need to:
  - a. eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010
  - b. advance equality of opportunity between people who share a relevant protected characteristic and those who do not. This involves having regard to the need to:
    - i. Remove or minimise disadvantages suffered by people due to their protected characteristics
    - ii. Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others
    - iii. Encourage people who share a relevant protected characteristic to participate in public life or in other activities where their participation is disproportionately low

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<sup>1</sup> The charter for social housing residents: social housing white paper - GOV.UK ([www.gov.uk](http://www.gov.uk))

<sup>2</sup> The general equality duty is also supported by specific duties which are imposed by secondary legislation.

- c. foster good relations between people who share a relevant protected characteristic and those who do not. This involves having regard to the need to tackle prejudice and promote understanding.
3. These are sometimes referred to as the three aims of the general equality duty. The general equality duty covers the following protected characteristics: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage or civil partnership is also a protected characteristic under the Equality Act 2010, but this is only relevant to the first aim of the general equality duty (eliminating discrimination etc.).

## Scope of Equality Impact Assessment (EQIA)

4. We are consulting on our proposals for the introduction of TSMs, which are detailed in the consultation document. We are committed to understanding the potential impact on equality of our proposals and addressing those impacts where relevant. It is our intention that tenants should benefit from the greater transparency provided by TSM data.
5. We have considered the equality impact of our proposals relating to TSMs. In doing so, we have been mindful of the following:
  - our PSED
  - our statutory duty to exercise our functions in a way that minimises interference and (so far as is possible) is proportionate, consistent, transparent and accountable
  - the Government's Regulators' Code<sup>3</sup>
  - our statutory duty to perform our functions with a view to achieving (so far as is possible) our two fundamental objectives: the economic regulation objective and the consumer regulation objective. These are set out in section 92K of the Housing and Regeneration Act 2008
  - our statutory duty, in setting consumer standards, to have regard to the desirability of registered providers being free to choose how to provide services and conduct business.
6. Paragraph 10 of this document includes our assessment of the TSM proposals that we consider have the potential for either a negative or positive equality impact. We have assessed all other proposals and have not found any evidence of either a positive or negative equality impact, so we have concluded that they are likely to have a neutral equality impact. These proposals can be found at paragraph 11S in this document.

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<sup>3</sup> Regulators' Code - GOV.UK ([www.gov.uk](http://www.gov.uk))

## Summary of proposals

7. The regulator is carrying out a statutory consultation on:
- a draft new consumer standard (the TSM Standard) which includes specific expectations applicable to all registered providers in relation to the TSMs set by the regulator (Annex 1)
  - a set of proposed TSMs which are set out in *Tenant Satisfaction Measures: Technical Requirements* (Annex 2)
  - related requirements which registered providers would be expected to comply with under the TSM Standard which are set out in draft in:
    - a. *Tenant Satisfaction Measures: Technical Requirements* (Annex 2)
    - b. *Tenant Satisfaction Measures: Tenant Survey Requirements* (Annex 3).
  - draft guidance about the submission of TSM information to the regulator (Annex 4).

## Summary of evidence considered

8. The information we have considered as part of this assessment includes the following:

### A. English Housing Survey 2019/20<sup>4</sup>:

- There were around 4 million social rented sector (SRS) households (2.4 million housing associations, and 1.6 million local authorities).
- Most households had a White HRP<sup>5</sup> (81%). Households with an ethnic minority HRP were more prevalent in the SRS than the owner-occupied sector (19% compared with 10%), but comparable to the private rented sector (18%).
- 54% of households had at least one household member with a long-term illness or disability, compared to 25% in the private rented sector and 31% of owner-occupied households.
- Just under half of social renters (45%) were in full-time or part-time work and 6% were unemployed. A quarter of social renters were retired and 23% 'inactive' (includes those with a long-term illness or disability and those looking after the family or home). The rest were in full-time education (1%).
- Households were more likely to have a female HRP (58% with a female HRP).
- The SRS had the highest proportion of single person households (41%).
- The average age for HRPs was 53 years old, compared to 41 years old for private renters and 58 for owner occupiers.
- In all tenures, 2-3% of HRPs reported they were lesbian, gay, bisexual or any other LGB+ sexual orientation<sup>6</sup>. There were no significant differences by tenure. Overall, there were 450,000 households where the HRP reported they were lesbian, gay, bisexual or any other LGB+ sexual orientation, including 100,000 households in the SRS.

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<sup>4</sup> National statistics overview: English Housing Survey 2019 to 2020: headline report - GOV.UK ([www.gov.uk](http://www.gov.uk))

<sup>5</sup> The HRP is the 'householder' in whose name the accommodation is owned or rented.

<sup>6</sup> LGB+ is the formulation used in the English Housing Survey report

## Tenant Satisfaction Measures: Draft Equality Impact Assessment

- 62% of social renters said they had a religion, compared to 54% of private renters and 64% of owner occupiers. The most prominent religion amongst social renters was Christianity (53%) and the second most prominent religion was Islam (7%)
- Social renters with a Black HRP (18%) were more likely to live in a non-decent home, compared with White or Asian social renters (11% and 7% respectively).
- Ethnic minority social renters (8%) were more likely to live in a home with a Category 1 hazard than White social renters (5%)

### **B. RSH's Private Registered Provider (PRP) social housing stock in England summary 2020/21 (based on Statistical Data Return data)<sup>7</sup>:**

- 84% of the stock of PRPs was low cost rental stock (including general needs and supported housing and all Affordable Rent tenures), and 7% was low cost home ownership (LCHO) units
- 13% of all stock owned by PRPs was low cost rental supported housing with 65% of this being housing for older people
- There were approximately 1,200 small PRPs, 15% of which were in a group structure, whereas 84% of large providers were in a group structure.

### **C. RSH's Local Authority Registered Provider (LARP) social housing stock in England 2020/21 summary (based on Local Authority Data Return data)<sup>8</sup>:**

- 93% of stock owned by LARPs was general needs and 6.5% was supported housing

### **D. DLUHC's Social Housing Lettings analysis 2019/20<sup>9</sup>:**

- 17% of new households contained a tenant with a long-term illness or disability which prevented them from working
- Most lead tenants were White, (82% of new lettings). Black households made up 8% of lettings but made up 4% of the English population. Asian households constituted 5% of lettings but made up 9% of the English population. The remaining 3% were to households with Mixed Race lead tenants, which is proportionate to the population.

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<sup>7</sup> Private registered providers (PRP) social housing stock in England summary - GOV.UK

<sup>8</sup> Local authority registered provider social housing stock and rents in England 2020 to 2021 - GOV.UK ([www.gov.uk](http://www.gov.uk))

<sup>9</sup> National statistics overview: Social housing lettings in England, April 2019 to March 2020 - GOV.UK ([www.gov.uk](http://www.gov.uk))

## Information gaps

9. We have identified information gaps in our equality evidence base relating to gender reassignment and pregnancy and maternity for tenants in social housing. It has not been possible to obtain data related to these specific protected characteristics within the social housing sector. As a result, it has not been possible to assess the potential impact (if any) of the proposals on groups of people who share these protected characteristics. The regulator intends to review the equality impacts (further details set out below), and should the evidence suggest that the proposals have, or are likely to affect, groups of people who share gender reassignment or pregnancy and maternity characteristics then we intend to consider this evidence.

## Impact assessment

10. In undertaking the EQIA, the regulator has used data to consider the potential impact of its proposals for each protected characteristic (to the extent that there was sufficient equality data to do so) against each of the three aims of the general equality duty. The table below summarises the aims and the protected characteristics which we understand are most likely to be relevant for the purposes of the TSM proposals, which we think have the potential to impact either positively or negatively on people who share one or more protected characteristics.

Proposals	Analysis of potential impact
<p><b>Proposal 1</b></p> <p>Providers must assess the extent to which their achieved sample is representative of the relevant tenant population and to undertake reasonable checks for differences between the total responses to the tenant perception survey and their tenant population in terms of characteristics associated with different average satisfaction scores.</p> <p>Providers would need to judge which characteristics they include in this assessment based on their tenant profile and available data.</p>	<p>This proposal is relevant to aim 1 (as it may help to identify indirect discrimination if there is a lower level of satisfaction amongst people with a certain protected characteristic) and aim 2 (by registered providers (RPs) ensuring a representative group of people participate in the survey) of the general equality duty.</p> <p>We found information that shows that younger social housing tenants and Black, Asian and minority ethnic (BAME) social housing tenants are less satisfied with their landlord than tenants in other age groups and non-BAME tenants<sup>10</sup>:</p> <ul style="list-style-type: none"> <li>• English Housing Survey (EHS) 19-20 Social rented sector report<sup>11</sup></li> <li>• Human City Institute paper on ethnicity and frontline social housing services</li> <li>• Drivers of Satisfaction amongst Black and minority ethnic tenants report (2008).</li> </ul>

<sup>10</sup> [Inside Housing – Addressing the BME housing challenge](#) – this is a relevant news article

<p>The draft of Tenant Satisfaction Measures: Tenant Survey Requirements (Annex 3) says the following characteristics are material for many large providers: stock type (e.g., general needs, housing for older people, other supported housing, temporary social housing), age of respondent, ethnicity, building type (e.g., high rise/flats), property or household size, and geographical area or estate.</p>	<p>We have therefore included both age and ethnicity in the list of characteristics that are material for many large providers in considering which characteristics to include in their assessment of representativeness. We also refer to housing for older people and other supported housing as being material factors.</p> <p>Their inclusion should help to ensure that providers give them sufficient consideration in their assessment of representativeness.</p> <p>We did not find any information which suggests that tenants who share a protected characteristic other than age and race are less likely to be satisfied with their landlord. This does not mean that they are <u>not</u> less satisfied, rather that we could not find evidence of lower satisfaction amongst tenants who share other protected characteristics. However, providers would need to make a balanced judgement as to which characteristics to include in their assessment of representativeness based on their own tenant profile.</p> <p>This means that if other protected characteristics such as disability, religion or belief, or sexual orientation are relevant to their assessment, we would expect them to be included in their check.</p> <p>Providers would be required to publish a summary of their assessment of representativeness of the sample against their relevant tenant population, so would be expected to state the factors they consider to be material, including the protected characteristics.</p> <p>We consider that this proposal is likely to have a positive impact and therefore we propose to consult on this basis.</p>
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<p><b>Proposal 2</b></p> <p>If the provider's achieved survey sample is not representative of their tenant population, they must appropriately weight the responses to ensure that, as far as possible, the sample is representative.</p> <p>Representativeness means how well the tenants surveyed represent the whole tenant population and how confidently it could be assumed that their views would be very similar to other tenants if they had been surveyed.</p>	<p>This proposal is relevant to aim 2 of the general equality duty.</p> <p>We consider that this would be likely to have a positive impact, as it should help to ensure that large providers' TSM perception survey results are representative of their tenant profile.</p> <p>We therefore propose to consult on this basis.</p>
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<p><b>Proposal 3</b></p> <p>Providers can choose their survey method(s) but must demonstrate their rationale for their chosen survey collection method(s).</p>	<p>This proposal is relevant to aims 1 and 2 of the general equality duty and is particularly relevant to the protected characteristics: age, race, sex and disability.</p> <p>We found information which shows that certain media is more or less likely to be accessible to tenants who share different protected characteristics:</p> <p><a href="#">Exploring the UK's digital divide - ONS</a> tells us that:</p> <ul style="list-style-type: none"> <li>• 58% of internet non-users were women</li> <li>• Adults over the age of 65 have consistently made up the largest proportion of adult internet non-users since 2011</li> <li>• Over half of all adult internet non-users were over the age of 75 in 2018</li> <li>• In 2017, 56% of adult internet non-users were disabled, compared to the proportion of disabled adults in the UK as a whole, (in 2016- 2017 estimated to be 22%).</li> <li>• In 2011, there were wide disparities in internet use among different racial groups, but in 2018, this gap had narrowed, particularly for adults of Bangladeshi ethnicity.</li> </ul> <p><a href="#">Research by Uswitch</a> said 95% of people aged over 65 have a landline, which falls to 82% for those aged 35-54 and drops to 52% among 18–24-year-olds.</p> <p>We have reviewed other relevant guidance on survey methods:</p> <ul style="list-style-type: none"> <li>• The Scottish Housing Regulator’s tenant survey guidance<sup>12</sup> recommends the use of postal, telephone or face-to-face surveys, and does not allow online surveys as they say they are unlikely to provide results representative of the wider tenant population. However, the picture of internet usage is very likely to have changed in recent times.</li> <li>• Housemark STAR guidance<sup>13</sup> recognises that providers may use a single survey method, with ‘top-ups’ of an alternative method appropriate for certain hard-to-reach groups or they may use a combination of methods.</li> </ul>
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On the one hand, allowing providers to choose their collection method(s) enables them to influence the results by selecting methods that could produce more favourable responses (there is evidence that collection methods can materially influence survey results, e.g., face-to-face and telephone surveys tend to produce much higher levels of satisfaction than 'self-completed' methods such as paper and online surveys). This reduces comparability as two organisations with similar levels of underlying performance could produce very different satisfaction scores by using different collection methods. It also risks providers using a method that is harder for some groups of tenants to participate in.

On the other hand, if we specify one main method, not only would some providers be obliged to make significant changes to existing practice (from our stakeholder engagement it appears that providers often use a mix of methods to ensure they can reach different tenant groups effectively), which could be costly and burdensome, but it may also make it more difficult for tenants who share certain protected characteristics to take part in the survey, which would make achieving a representative sample challenging for providers. This is because some collection methods are more effective than others at reaching particular groups (e.g., younger tenants may be more likely to use online surveys, older people may be more likely to take part in postal or phone surveys).

On balance, we believe that not restricting providers in the survey methods they use is likely to have a positive equality impact because it would enable providers to tailor their survey methods to meet the needs of their tenant profile. It would also align with our principle of co-regulation and our duty to minimise interference.

We therefore propose to consult on this basis. We have asked a specific question about this proposal in the consultation.

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<sup>12</sup> Conducting surveys of tenants and service users | Scottish Housing Regulator

<sup>13</sup> Housemark-STAR-guide-to-running-perception-surveys – STAR is Housemark's survey of tenants and residents in the social housing sector

<p><b>Proposal 4</b></p> <p>Providers must take reasonable steps to assess, identify and remove barriers to certain groups of tenants participating in surveys. In particular, this is in respect to tenants who share one or more protected characteristics under the Equality Act 2010 and in respect of duties of that Act. Barriers may include, but are not limited to, language barriers, visual impairment, literacy or lack of access to digital media. Where necessary to overcome barriers to participation, surveys can be completed by a carer or another household member on behalf of a tenant.</p>	<p>This proposal is relevant to aim 2 of the general equality duty. It impacts mainly on people who share the protected characteristics: age, disability, and race.</p> <p>We consider that this would be very likely to have a positive equality impact on tenants, particularly for those who are older, are non-English speakers or who have a disability.</p> <p>Furthermore, this requirement should work well alongside our proposal not to prescribe a survey method – i.e., it would be unnecessary to be prescriptive about the data collection method if reasonable steps are being taken to remove barriers to participation.</p> <p>We propose to consult on this basis.</p>
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<p><b>Proposal 5</b></p> <p>Providers would be able to use additional visual features such as emojis alongside response options in their surveys, if they are necessary to overcome specific barriers to a particular group of tenants.</p>	<p>The proposal is relevant to aim 2 of the general equality duty. It would impact on people who share the protected characteristics disability and age.</p> <p>Allowing the use of emojis to help illustrate the text response scales where necessary would be likely to have a positive equality impact, as it should help respondents to better understand the response options and therefore encourage wider survey participation, particularly by some disabled and younger tenants.</p> <p>We are not proposing to allow the universal use of emojis as they can reduce comparability of responses due to the potential for them being interpreted differently. However, we think that on balance, it would be right to allow their use where necessary to overcome barriers that groups of tenants may experience.</p> <p>We propose to consult on this basis.</p>
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<p><b>Proposal 6</b></p> <p>Providers who own fewer than 1,000 relevant properties would be required to collect and publish their TSM data, but we are proposing that they would not be required to submit TSM data to the regulator</p>	<p>The proposal is relevant to all aims of the general equality duty.</p> <p>There are more than 1,000 small RPs or small registered groups that own fewer than 1,000 units of social housing properties.</p> <p>There is around a 50%/50% split between General Needs and supported housing/ housing for older people (SHHOP).</p> <p>In contrast, larger groups and providers (those who own more than 1,000 units of social housing properties) hold a much higher proportion of General Needs properties, with more than four General Needs unit for every SHHOP unit.</p> <p>Small providers own a higher proportion of SHHOP properties than large providers, so their tenants are more likely to share the protected characteristics age and disability.</p> <p>There is the potential for tenants of small providers to be negatively impacted by this proposal, as they would not be able to compare their landlord's performance via the regulator's published data. However, we are proposing this for the following reasons:</p> <ul style="list-style-type: none"> <li>• There are statistical challenges for small providers that are less relevant for larger providers, which affect their tenant perception survey data. For perception survey results to be meaningful, they need to be based on a sufficiently large, and representative sample of tenants to produce statistically significant results. If it is not, the reported results may not be a representative reflection of tenant views. It is much more difficult for small providers to achieve a statistically robust sample as the minimum sample needed is a much larger proportion of their stock. It would therefore be more difficult for tenants to be able to make meaningful comparisons with other similar sized providers.</li> </ul>
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- As well as the challenge around sample sizes, and robustness of the resulting data, privacy is an issue for the very smallest providers, where individual survey responses could be easily identified by other tenants or their landlord.
- A number of other TSMs are subject to factors that are likely to be amplified for small providers, making TSM data a less reliable source of intelligence on the performance of these providers.
- Small providers may have less capacity to provide data returns in a specific format required by the regulator.
- We have had due regard to our duty to exercise our functions in a way that minimises interference and (as far as is possible) is proportionate.

Tenants of small providers would be able to hold their own landlord to account as they would be required to publish their TSM data in accordance with our requirements, which would lead to greater transparency and accountability.

We acknowledge that there is a potential negative impact from this proposal, as tenants of small providers would not be able to compare TSM data of their landlord with that of others via the regulator's published data, and they are more likely to share the protected characteristics age and disability than tenants of large providers. However, we don't believe that putting this information into the public domain would help to advance equality, as we think that the data from small providers is highly likely to be less comparable than data from large providers, which means that tenants would not be able to make meaningful comparisons with other similar sized providers and we would not have confidence in the validity of the data from small providers. We therefore propose to continue with this proposal, subject to the outcome of the consultation.

<p><b>Proposal 7</b></p> <p>We are not proposing to require small providers to weight their survey responses unless there is strong evidence of a significant bias in estimated scores.</p>	<p>This proposal is relevant to aim 2 of the general equality duty.</p> <p>This could have a negative impact as it would mean that the responses of small providers may not be representative. However, we are proposing this because, due to the significant challenge for small providers in achieving statistical validity and in carrying out weighting of their data, we do not consider there is sufficient justification to require small providers to weight their data unless there is strong evidence of a significant bias in estimated scores.</p>
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<p><b>Proposal 8</b></p> <p>NM01 – number of anti-social behaviour cases relative to the size of the landlord. Cases of Domestic Abuse and Hate incidents should be included in the data for this TSM.</p>	<p>This proposal is relevant to aims 2 and 3 of the general equality duty.</p> <p>It is particularly relevant to the race, religion, sexual orientation, disability and gender reassignment protected characteristics (based on hate crime laws). In relation to domestic abuse, it is of relevance to sex and gender reassignment as most domestic abuse victims are female.</p> <p>We found the following relevant information:</p> <ul style="list-style-type: none"><li>• <a href="#">Domestic abuse victim characteristics, England and Wales - ONS</a> states women aged 16 to 19 years were more likely to be victims of any domestic abuse in the last year than women aged 25 years and over. Of crimes recorded by the police: in the year ending March 2020, the victim was female in 74% of domestic abuse-related crimes.</li><li>• <a href="#">Policy Equality Statement: demonstrating compliance with the PSED</a> showed that women aged 16-19 years were significantly more likely to be victims of domestic abuse in the last year than women aged 25 years and over. It also showed that adults aged 16-74 years with a disability were more likely to have experienced domestic abuse in the last year than those without.</li><li>• <a href="#">Hate Crime Statistics - House of Commons Library</a> said the most common type of hate crime offences in 2019/20 were related to a victim's race (72%), and the next most common type was related to a victim's religion (15%).</li></ul> <p>We have taken the opportunity to explicitly require providers to include both hate incidents and domestic abuse cases in this TSM, which we consider should support aims 2 and 3 of the general equality duty. We think that it is important for the areas of domestic abuse and hate crime to be included in the TSM suite, by including it within this TSM (NM01 – number of anti-social behaviour cases).</p> <p>We consider that this would be likely to have a positive impact, as it should enable providers to scrutinise and compare their figures for anti-social behaviour, hate crime and domestic abuse. We propose to consult on this basis.</p>
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<p><b>Proposal 9</b></p> <p>BS05 - Lift safety checks – the proportion of homes for which all required communal passenger lift safety checks have been carried out. Data for this TSM would not include checks to internal lifts to the property e.g., stair lifts, hoists, through floor lifts etc).</p>	<p>The proposal is relevant to aim 2 of the general equality duty. It impacts mainly on people who share disability and age protected characteristics.</p> <p>This proposal could have a negative equality impact as the data would not include checks carried out on lifting equipment within individual properties, which are likely to be installed in households where someone has a disability or is older. It would not however remove any of the current landlord responsibilities to check such lifting equipment and provide such information on request to the regulator and others.</p> <p>There are fundamental challenges if we were to include lifting equipment in individual properties in this TSM. These lifts are often installed privately by tenants or by other agencies, and the responsibilities for checking and maintaining this type of equipment are complex, which means that the landlord may not be responsible for the maintenance of all internal lifts within their properties. In addition, a TSM based on LOLER<sup>14</sup> checks undertaken by the landlord for all lifting equipment risks introducing a new standard that could significantly exceed current responsibilities and practice.</p> <p>For the reasons outlined above, we propose to consult on this basis.</p>
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<sup>14</sup> Lifting Operations and Lifting Equipment Regulations

<p><b>Proposal 10</b></p> <p>TP07 is the proportion of respondents who report that they strongly agree or agree that their landlord treats them fairly and with respect.</p>	<p>The proposal is relevant to aims 1 and 2 of the general equality duty.</p> <p>It could impact on people who share the protected characteristics disability, age, gender reassignment, race, religion, sex, sexual orientation, pregnancy/maternity, and marriage/civil partnership.</p> <p>We have considered Housing Ombudsman publications:</p> <ul style="list-style-type: none"><li>• Housing Ombudsman Complaint Handling Code</li><li>• Revised Housing Ombudsman Scheme</li></ul> <p>We have also considered Housemark’s STAR survey which includes an optional survey question: <i>To what extent do you agree or disagree that your landlord treats its residents fairly/treats me with respect</i></p> <p>We are proposing to address the theme of fairness and respect in the White Paper using a perception measure, as opposed to collecting data on the number of complaints relating to fairness and respect as proposed in the White Paper, for the following reasons:</p> <ul style="list-style-type: none"><li>• We think tenants are likely to be better placed than providers to define fairness and respect</li><li>• There are fundamental difficulties with agreeing a definition of complaints relating to fairness and respect, which would make the data unreliable and hard to compare</li><li>• A measure about the number of complaints would only include the small proportion of tenants who complain each year, whereas all tenants may have an opinion about whether they have been treated with fairness and respect</li></ul> <p>This proposal would be likely to have a positive equality impact, as tenants would be able to judge themselves as to whether they have been treated with fairness and respect.</p> <p>For the reasons outlined above, we propose to consult on this basis.</p>
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<p><b>Proposal 11</b></p> <p>The proposed suite of TSMs does not include measures which specifically relate to equality.</p>	<p>This proposal is relevant to all aims of the general equality duty.</p> <p>If the suite of TSMs does not include measures that specifically relate to equality, we are not taking this opportunity to advance equality (aim 2).</p> <p>It could have a negative impact on people with disability, age, gender reassignment, race, religion, sex, sexual orientation and pregnancy/maternity protected characteristics.</p> <p>We propose to require providers to assess the extent to which their achieved sample is representative of all their tenants and undertake checks for any differences between that sample and their wider tenant population in terms of characteristics associated with different average satisfaction scores. This requirement would mean that, particularly in relation to large providers, they would need to have a good understanding of their tenant profile</p> <p>The reasons for our proposed position are:</p> <ul style="list-style-type: none"><li>• The themes of the TSMs in the Social Housing White Paper do not specifically relate to equality, and the draft TSMs follow the themes set out in the White Paper.</li><li>• The TSMs are intended to be one part of our revised and strengthened approach to consumer regulation and providers would need to comply with our consumer standards, which include expectations around equality and understanding the diverse needs of tenants.</li><li>• Tenant profiles of providers would need to be viewed in the context of their own location, which for some providers can cover large areas which may vary in their demographic profile.</li></ul> <p>For the reasons outlined above, we propose to consult on this basis.</p>
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<p><b>Proposal 12</b></p> <p>We are proposing to introduce a TSM on satisfaction with repairs (TP02).</p>	<p>This is relevant across all aims of the general equality duty.</p> <p>Social renters with a Black HRP (18%) were more likely to live in a non-decent home, compared with White or Asian social renters (11% and 7% respectively) according to data from the EHS. In addition, ethnic minority social renters (8%) were more likely to live in a home with a Category 1 hazard than White social renters (5%).</p> <p>This TSM should have a positive equality impact, as it would create a national benchmark for satisfaction with repairs. Many large providers would be likely to include race in their assessment of representativeness and so would be able to identify significant differences in satisfaction in relation to race and be able to explore whether there is information that would indicate the reasons behind any disparity.</p> <p>For the reasons outlined above, we propose to consult on this basis.</p>
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11. We have assessed the following proposals as being likely to have a neutral impact on people who share one or more protected characteristics:

Providers would not be required to submit or publish their survey results broken down by the protected characteristics.

Providers would be required to achieve a maximum of one survey response per household irrespective of how many legal tenants there are in a household.

Dwellings units that are not low cost rental accommodation (LCRA) or LCHO – for example non-social housing, leasehold<sup>15</sup> and other dwellings units that are only social housing by virtue of legacy provisions in Housing and Regeneration Act (2008)<sup>16</sup> would not be included in the TSMs.

Our proposal is that data for the proposed TSMs would have to be collected for (where relevant) LCRA and LCHO. Reporting of TSMs for LCHO would not include ‘fully staircased properties’ i.e., properties once occupied under LCHO arrangements but where the occupier, for example, acquired a 100% share of a shared ownership property, or repaid an equity loan on a shared ownership property in full.

TSMs would have to be reported on a registered group basis.

Providers that own fewer than 1,000 relevant homes would be required to carry out perception surveys at a minimum frequency of every two years compared to every year for large providers.

TP10 Satisfaction with landlord’s approach to handling of anti-social behaviour would be collected via a perception survey.

The introduction of a TSM on homes that do not meet the Decent Homes Standard.

Survey question wording for the tenant perception measures (TP01-TP12).

<sup>15</sup> Leasehold properties are properties for which a leasehold interest has been sold to an occupier, where the provider retains a freehold interest or a superior leasehold interest, but that does not fall under the definition of LCRA or LCHO

<sup>16</sup> Legacy provisions are those set out in Section 77 of the Housing and Regeneration Act (2008). Leasehold stock is stock for which a leasehold interest has been sold to an occupier, where the provider retains a freehold interest, but that does not fall under the definition of LCRA or LCHO.

## Tenant Satisfaction Measures: Draft Equality Impact Assessment

12. We welcome views as to whether any of our proposals could have a positive or negative impact on people with different protected characteristics, and how we could mitigate or remove any negative impact or where we could create a positive impact. Following the conclusion of this consultation, we will consider responses we receive in preparing a final EQIA, which we intend to publish alongside the final TSM documents. We intend that this would include an assessment of any additional evidence of potential impact on equality received during this consultation.



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