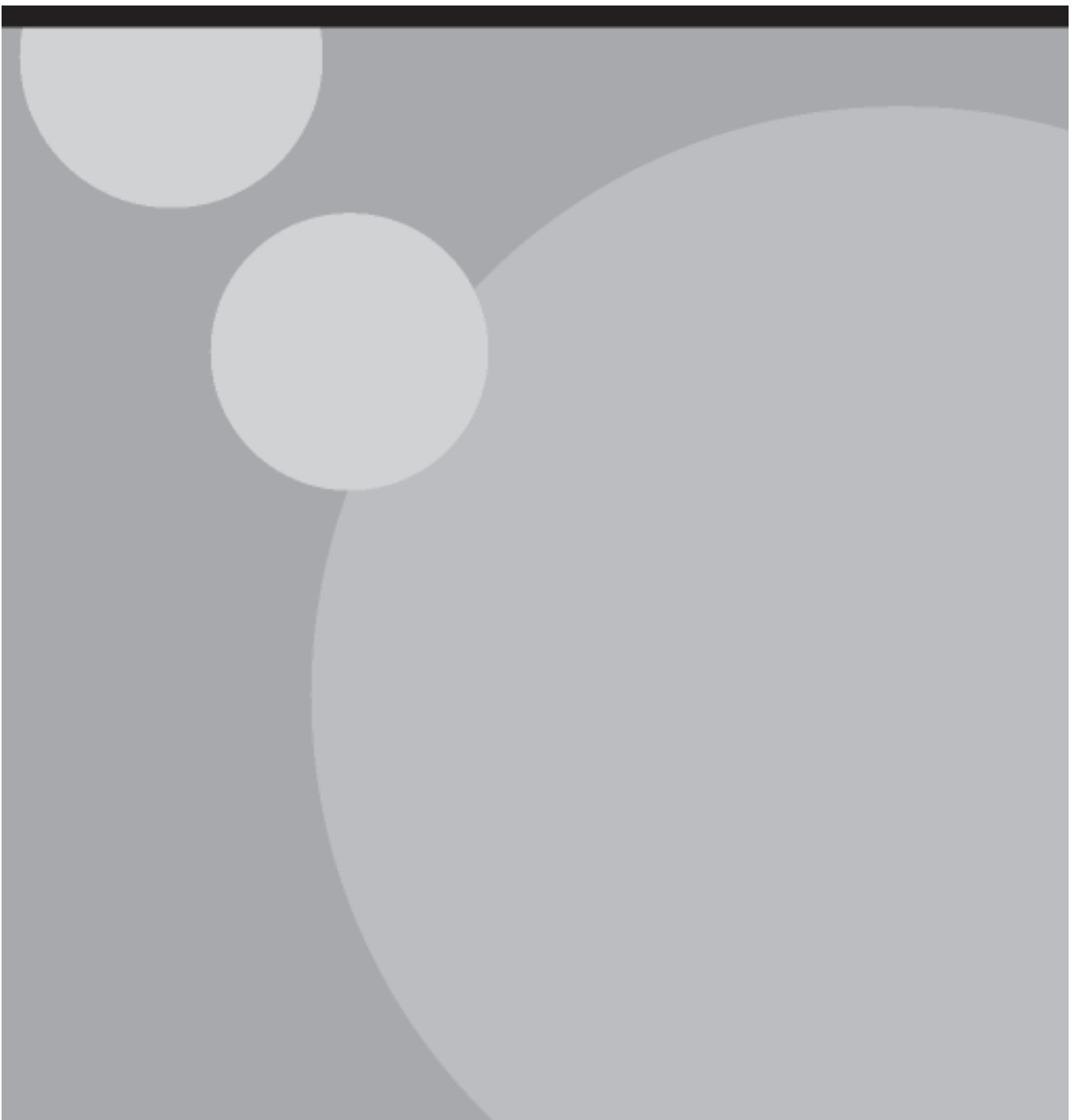




Public Sector Equality Duty  
**DCLG Equality Information Report - 2010-2011**





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May 2012  
Department for Communities and Local Government

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# Contents

<b>Introduction</b>		<b>1</b>
	<b>Data</b>	
	<b>Limitations of the data</b>	
<b>Section 1</b>	<b>Localism Bill</b>	<b>2</b>
	<b>Neighbourhood Plans</b>	<b>4</b>
	<b>Abolishing the Standards Boards for England</b>	<b>13</b>
	<b>Tenant Service Authority</b>	<b>14</b>
<b>Section 2</b>	<b>Planning</b>	<b>17</b>
	<b>National Planning Framework</b>	<b>19</b>
	<b>Withdrawal of Circular 01/06</b>	<b>20</b>
	<b>Abolition of Regional Strategies</b>	<b>21</b>
<b>Section 3</b>	<b>European Regional Development Fund (ERDF)</b>	<b>23</b>
	<b>Case Studies</b>	<b>26</b>
<b>Section 4</b>	<b>Fire, Resilience and Emergencies</b>	<b>29</b>
<b>Section 5</b>	<b>Decentralisation and Big Society</b>	<b>32</b>
	<b>Decentralisation</b>	<b>32</b>
	<b>Integration</b>	<b>33</b>
<b>Section 6</b>	<b>Homelessness and Support, Building Standards and Climate Change</b>	<b>36</b>
	<b>Building Regulations</b>	<b>36</b>
	<b>Climate Change and Sustainable Buildings</b>	<b>41</b>
	<b>New Deal for Older people's Housing</b>	<b>43</b>
<b>Section 7</b>	<b>Housing Growth and Affordable Housing</b>	<b>50</b>
	<b>Affordable Rent</b>	<b>51</b>
	<b>Affordable Homes programme, Firstbuy + Right to Buy</b>	<b>54</b>
<b>Section 8</b>	<b>Finance and Corporate Services</b>	<b>55</b>
<b>Section 9</b>	<b>Local Government Policy</b>	<b>61</b>

# Introduction

1. The Equality Act came into force in October 2010 and protects people from discrimination on the basis of the following 'protected characteristics': Disability; Gender Reassignment; Pregnancy and Maternity; Marriage and Civil Partnership; Race; Religion or belief; Sex; Sexual Orientation; and Age.
2. The **General Duty** requires public bodies listed in Schedule 19, such as DCLG, to have due regard to the three aims of the duty and to consider equality when forming policies and making decisions. The three aims are:
  - eliminate unlawful discrimination, harassment and victimisation;
  - advance equality of opportunity between those sharing a relevant protected characteristic and those not; and
  - foster good relations between those sharing a relevant protected characteristic and those not;
3. In addition to the General Duties, specific duties came into force on 10th September 2011 which is intended to enable public bodies to meet the requirements of the public sector Equality Duty more effectively. These specific duties place an obligation on DCLG to be transparent in its response to the Equality Duty requiring the Department to publish:
  - **Information to demonstrate compliance with the General Equality Duty**, by 31 January 2012 in particular publish information relating to those sharing a relevant protected characteristic who are our employees and others affected by our policies and practices (such as service users) then annually,
  - **Equality objectives**, by 6 April 2012 and then at least every four years
4. This report is an analysis of the department's audit of its equalities information. The information which covers the period December 2010 to December 2011 is wide ranging and captures data relating to Equality Impact Assessment screening, completed equality impact assessments as well as data/information which underpins equality impact assessments or policy decisions.
5. It also highlights where the department has flagged up known differences in identified needs for those with protected characteristics as well as the mitigating actions that have taken to ensure we pay due regard to Sec 149 of the Equality Act 2010: Public Sector Equality Duty (PSED).

## Section 1: Localism Bill

6. **The Localism Bill consisted of a number of policies. They were all Equality Screened and four of these subjected to full Equalities Impact Assessments - Abolition of the Tenant Services Authority; “Discharging the main homelessness duty with an offer of private accommodation”; Neighbourhood plans; Abolishing the Standards Board.** None of the policies were focused exclusively on any of the groups with protected characteristics but some impacted upon one or more of these groups.
7. List of policies in the Localism Bill:
  - Abolition of the Tenant Services Authority and transfer of its functions to a new Regulatory Committee of the Homes and Communities Agency
  - Discharging the main homelessness duty with an offer of private sector accommodation
  - Neighbourhood plans
  - Enabling provisions of financial assistance to social tenants to enter home ownership
  - Abolishing Home Information Packs
  - Freedoms to introduce fixed term tenancies for new allocations of social housing
  - Abolition of the national subsidy system of social housing finance and its replacement with a localised, self-financing system
  - Enabling social housing mutual exchange through the National Homeswap Scheme
  - Automation of small business rate relief
  - Proposed new discretionary power for local authorities to grant business rate discounts
  - Allow ballot before the imposition of a business rate supplement is allowed by upper tier authorities on liable rate payers
  - Cancellation of certain backdated non domestic rate liabilities
  - Abolition of the standards boards regime, including the Standards Board for England
  - New provisions on standards for members and co-opted members of local authorities
  - Clarification of the existing law on predetermination
  - Community right to buy (now the Community right to bid)

- Community right to challenge
- General power of competence for local authorities, Fire and Rescue Authorities and other authorities
- Transfer and delegation of function to authorities
- Council tax referendums
- Repeal of the duty on local authorities to respond to petitions
- Local government remuneration accountability
- Repeal of the Duty to Promote Democracy
- Abolishon of London Development Agency (LDA)
- Provisions in the Localism Bill to enable the Mayor of London to establish Mayoral Development Corporation/s (MDC).
- Allow councils to return to the Committee system of governance and simplifying the process
- Transfer of Home and Communities Agency London powers and functions to Greater London Authority
- Major Infrastructure Projects
- Abolition of Regional Strategies
- Reforms to the Community Infrastructure Levy (CIL)
- Compulsory pre application discussions with communities
- Localism Bill enforcement measures
- Local plans reform: Amend primary legislation on technical requirements and the examination, adoption and withdrawal of local plans. Issue revised guidance.
- Generic power to recover payment from local authorities and other public bodies of European Union infraction fines

### ***Evidence used***

8. Policy teams utilised a range of evidence and information sources which underpinned the development and impact assessment of the relevant policies, including:
  - *Diversity and Equality in Planning: A good practice guide* (Office of the Deputy Prime Minister, January 2005)
  - Formal consultation with staff representatives
  - Consultation with Diversity Working Groups
  - Consultation (in which protected groups have participated), communication from the Equalities and Human Rights Commission on their concerns and further comparative evidence forwarded to us by the Government Equalities Office

- Case studies detailing existing experience of voluntary and community sector groups (including those representing equality groups) running and competing to run local public services. These are relevant to the impacts on the disabled, black and minority ethnic groups, women, specific age groups, lesbian, gay, bisexual and transgender (LGBT) groups and religious groups
- *Volume II oral and written evidence (House of Commons Public Administration Select Committee 2008)*
- English Housing Survey
- Continuous Recording (CORE) of Lettings statistics
- Pleace et al. (2008) *Statutory Homelessness in England: the experiences of families and 16-17 year olds*. DCLG

## Neighbourhood Plans

### ***Limitation of Data/Information***

9. No gaps were identified in evidence relating to the impact on groups with protected characteristics while developing the policy.

### ***Known Differences in Need for those with Protected Characteristics***

10. An Equality Impact Assessment Initial Screening was conducted in December 2010. It concluded that the introduction of neighbourhood planning through the Localism Act could create equalities impacts on specific groups – namely people from black and minority ethnic communities and people with disabilities. On the basis of this conclusion, a full Equality Impact Assessment was undertaken for neighbourhood planning in January 2011 and an action plan developed.
11. The Action Plan made a commitment to review the assessment once the policy has been in place for two years.
12. Where a specified group within the community is, by virtue of its unique characteristics, less able to instigate or engage with the development of a neighbourhood plan, there is a risk that the plan will lead to unwelcome development being directed (either deliberately or inadvertently) towards areas predominantly inhabited by members of those groups. Also, development taken forward by the community in general may be of a kind which doesn't need the special needs of a minority group. Housing typologies, for example, may be relevant here.



### Black and Minority Ethnic groups

13. While the policy itself is ostensibly “blind” to matters of race, people from black and minority ethnic communities are less likely to be able to take advantage of the opportunities offered by the policy because they are concentrated within lower income areas. They will therefore less often be sufficiently well resourced to undertake a neighbourhood plan.
14. While not being differentially disadvantaged by the *effects* of the policy, they may therefore be considered to be “disadvantaged” in that they are differentially less able to benefit from the policy. Also, where English is not their first language, black and minority ethnic groups could potentially be disadvantaged in that they are less able to engage with the process of instigating and preparing a neighbourhood plan.

### Key mitigation actions

- All neighbourhood development plans or orders will be required to be subjected to a referendum demonstrating popular support before they can come into effect – a majority of those entitled to vote in a referendum must support the proposals before they can come into force. The local planning authority may require the referendum to cover areas affected by the plan/order as well as the plan/order area itself. The referendum will ensure that groups that are less likely to participate in developing neighbourhood planning will have an opportunity to express their views.
- The secondary legislation for neighbourhood planning referendums will be based on existing legislation for local government referendums, which has been developed to ensure the widest possible engagement of individuals in the referendum.
- All neighbourhood development plans or orders will be subject to an independent examination. The examiner will consider representations on proposed plans or orders. The examiner will be able to hear evidence in public in any case where this is necessary to ensure a person has a fair chance to put a case or to properly examine a particular issue. A local planning authority will need to take into account an examiner’s recommendations and reasons for making them.
- One of the principal objectives of the policy is to increase civic and democratic participation: a local neighbourhood community will be at liberty to promote a neighbourhood plan/order where they are designated as a neighbourhood forum. We have attended wide-ranging consultation events across the country to raise awareness of neighbourhood planning and the opportunities it presents to communities.

- We have produced some important information and guidance on neighbourhood planning – as an easy to read guide to neighbourhood planning and e-flyers on neighbourhood planning and community right to build.
- We have agreed to produce more detailed guidance on neighbourhood planning and our working with communities and the planning and development sector to determine when this should be produced, who it should be produced by and in what form.
- We are seeking to ensure that best practice is adopted in respect of publicity and consultation on emerging and final neighbourhood plans and orders. This is part of the current consultation on the neighbourhood planning regulations.
- We have funded four third party organisations to provide advice and guidance to help communities engage effectively with neighbourhood planning. It is a requirement of funding that this support will be available to all sectors of the community including the most disadvantaged
- We have over 125 neighbourhood planning front-runner projects across the country, in urban and rural areas, areas of growth and deprivation trialling neighbourhood planning.
- After the policy has been in place for two years, we shall undertake a review by formally inviting all local planning authorities and groups representing potentially affected groups to advise us of any equality impacts that they have become aware of. In order to increase the likely return from the invitation, we shall, at the launch of the policy, notify local planning authorities and the same groups of our intention to carry out this review.

#### Older people and people with disabilities

15. These groups may be less able to engage with the process of instigating and preparing a neighbourhood plan. Part of the funding provided by central Government towards the implementation of the policy in the first 3 years will be directed specifically at lower income areas and will be required to be used to promote access by lower income groups to the development of neighbourhood plans.
16. All neighbourhood plans will be required to be subjected to an independent examination which will test, *among other things*, the plan's compliance with legal requirements in respect of accessibility and equality issues (including those provisions established in the Planning and Compulsory Purchase Act 2004 in relation to the adoption of development plan documents).

17. Arrangements for consultation on neighbourhood plans will be subject to duties placed on local authorities and other provisions in respect of the public availability of documents and the accessibility of premises.

#### Key mitigation actions

- We are seeking to ensure that best practice is adopted in respect of publicity and consultation on emerging and final neighbourhood plans and orders. This is part of the current consultation on the neighbourhood planning regulations and the feedback we are seeking from the neighbourhood planning front-runners programme.
- After the policy has been in place for two years, we shall undertake a review by formally inviting all local planning authorities and groups representing potentially affected groups to advise us of any equality impacts that they have become aware of. In order to increase the likely return from the invitation, we shall, at the launch of the policy, notify local planning authorities and the same groups of our intention to carry out this review.
- We have funded four third party organisations to provide advice and guidance to help communities engage effectively with neighbourhood planning. It is a requirement of funding that this support will be available to all sectors of the community including the most disadvantaged.

### **Discharging the main homelessness duty with an offer of private accommodation**

#### ***Limitation of Data/information***

18. The proposed change to the homelessness legislation is set out in the policy consultation on social housing reform: *Local Decisions: a fairer future for social housing*. We sought responses from representative equality groups such as Royal Association of Disability Rights and the disability network as well as the Equality and Human Rights Commission.
19. Gaps in the evidence at the screening stage arose from the fact that we could not get a clear picture of the extent to which local authorities will use the proposed flexibilities.
20. We have worked with external partners, and have been able to access some survey findings, though these are limited in their applicability because they cover single homeless people who are not secured accommodation under the homelessness legislation.

21. As we do not yet have a clear picture of the extent to which local authorities will use the new flexibility proposed the impact of the proposed change will be kept under review.

Social housing tenure and allocations flexibilities equalities impact:

22. Gaps in the evidence at the screening stage arose from the fact that we could not have a clear picture of the extent to which local authorities would use the proposed flexibilities. During a period of consultation in November 2010 - January 2011 we sought views from local authorities on whether/how they might make use of the proposed new measures. (See Housing Growth and Affordable Housing)

***Known Difference in Need for those with Protected Characteristics***

Overview

23. Local housing authorities will be able to fully discharge the main statutory duty with offers of suitable accommodation in the private rented sector, without requiring the applicant's agreement.
24. Women, pregnant women, young people and children and people with disabilities are more likely to be affected by any change in the way that the main homelessness duty can be fully discharged. People from black and minority ethnic communities are also more likely to be affected because they are over-represented among homeless acceptances (compared to the general population).
25. The Government has considered possible concerns about people accepted as homeless, particularly those with children or household members who may be vulnerable because of their age or a disability, being offered accommodation in the private rented sector instead of social housing. Under the homelessness legislation, local authorities will still be under statutory obligation to ensure that any accommodation offered to discharge the homelessness duty is suitable (location, affordability, space and size, and quality of the accommodation) for the particular applicant. As now, applicants will have the right to challenge whether accommodation is suitable for them and, if dissatisfied with the local authority's decision, will have a right to appeal to the county court on a point of law.
26. Although rents in the private sector are generally higher than the social sector, since the accommodation must be suitable, it must be affordable for the applicant (affordability is an aspect of suitability in the Housing Act 1996, and this will not change). Housing Benefit will continue to be

available to eligible households who need it, whether moving into the private or the social housing sector.

27. The proposed change should also result in fewer households having to spend time in temporary accommodation, which can have rents that are typically higher than direct lets in the private market. The Department for Work and Pensions' proposals to introduce a Universal Credit, as set out in the *Universal Credit: Welfare that Works* white paper, 2 will mean that households in the private rented sector will face less of a disincentive to work as a result of higher rents. Local authorities also have enforcement powers to tackle below standard accommodation in the private rented sector. Many households (such as the 51,000 households in 2009 -10 who benefited from homelessness prevention by being assisted to obtain alternative accommodation in the private rented sector) are settled in good quality private sector housing.
28. Homeless acceptances for whom the duty is ended with an offer of suitable accommodation in the private rented sector will typically have less security of tenure than they would have in the social sector. However, we do not believe that someone who needs assistance because they face a temporary homelessness crisis necessarily needs the level of security offered by social housing. Many tenancies in the private rented sector are allowed to run on beyond the initial term and there is no reason to believe this will not be the case for people owed the homelessness duty. There is no evidence of an increase in homelessness acceptances that some predicted following the greater emphasis on homelessness prevention since 2003.
29. Local authorities will still be able to bring the main homelessness duty to an end with an offer of social housing, and may choose to do so for some equality groups, for example, people with disabilities who require access to adapted properties. As such, outcomes are more likely to depend on individual circumstances and the accommodation they are offered, rather than varying systematically by equality group or across tenure. There may also be positive impacts for individual households where local authorities end the main homelessness duty with offers of suitable accommodation in the private rented sector.
30. There may be a greater choice of accommodation compared to the social housing sector, with better opportunities for example, to remain close to a school or family. Also, the change will mean that homeless acceptances are likely to be provided with a settled home more quickly. Research has found that families living in temporary accommodation were markedly less satisfied with their accommodation than those that had been provided with

settled housing. Families living in temporary accommodation for over a year were less satisfied with living space and facilities, and more likely to report that they were struggling financially as the perception that their “life was on hold” made finding or retaining employment more difficult.

31. In addition, it is important to consider the equality impacts of the wider benefits of the policy i.e. to other households in housing need on the waiting list who will benefit from an increase in available social housing lets (which would have otherwise been allocated to people owed the homelessness duty).
32. The changes to social housing allocation and tenure outlined in “*Local Decisions: a fairer future for social housing*” are designed to allow local authorities greater flexibility to target the households who most need social housing. By its very nature we would expect equality groups in need to be able to benefit from the broader social housing reforms, for example, those living in overcrowded, temporary or other unsuitable accommodation.
33. In addition, as *Local Decisions: a fairer future for social housing* has made clear, the statutory duty on local authorities to give ‘reasonable preference’ to certain groups, together with local authorities’ wider equality duties, should serve to ensure that local authorities put in place allocation systems which are fair and protect those who are vulnerable and in housing need. To provide a further safeguard, there is power in the Localism Act to prescribe by way of regulations, that certain classes of people are (or are not) qualifying persons, if there is evidence that people in housing need are being excluded from social housing without good cause.

#### Gender and Pregnant Women

34. The majority of households accepted as owed the main homelessness duty to secure accommodation (68% in 2009/10) are households with dependant children or which include a pregnant woman. 45% (17,950) of homeless acceptances are lone parent households with a female applicant. A further 12% (4,900) are single female applicants. This compares to 4% (1,490) and 16% (6,340) who are lone parent or single households with a male applicant. In addition, 4% (1,530) of homeless acceptances were homeless as a result of domestic violence (more likely, though not exclusively, to be females).
35. Households with dependent children are prioritised under the homelessness legislation to ensure they have access to suitable accommodation, and women are more likely to be carers of children. On this basis, we can conclude that women are more likely to be affected by

changes to the way that the main homelessness duty can be fully discharged.

### Age

36. 97% of homeless acceptances were 16-59 in 2009/10. In 2009/10, 1% of homeless acceptances had priority need because of old age but this is not disproportionate compared to the general elderly population. 7% of homeless acceptances had priority need because of their young age (16-17 year olds and 18-20 year old care leavers): young people are prioritised under the homelessness legislation because they are considered most vulnerable and likely to suffer hardship if not secured accommodation.
37. As above, households with dependent children or which include a pregnant woman comprise the majority of homeless acceptances. Therefore, it is likely that young people and children are more likely to be affected by changes to the way that the main homelessness duty can be fully discharged.

### Race and Ethnicity

38. 68% of homeless acceptances were white in 2009/10. 14% of homelessness acceptances were Black or Black British; 7% were Asian or Asian British; 3% mixed; and 4% Chinese or other. People from black and minority ethnic communities are overrepresented among homeless acceptances (compared to the general population) and so are more likely to be affected by a change to how the main homelessness duty can be discharged.

### Disability

39. 14% of homeless acceptances had priority need because of their physical disability or mental illness in 2009/10. As such, households with a disability are more likely to be affected by a change to the way the main homelessness duty can be discharged.

### Religion and Beliefs

40. We do not collect data on homeless acceptances' religion or belief (or on those accessing social lettings). We have sought information from external partners but the majority of local authorities do not collect data on these characteristics. We do know from data on homeless people living on the streets or in hostels in London (generally single homeless people who are not secured accommodation under the homelessness legislation) that the majority of those who indicated that they were a member of a religion or had a belief (73% were not known or not recorded) were Christian (64%).

Muslim (14%) was the only other religion that a significant number of people recorded.

41. Whilst this group is likely to have different characteristics from households accepted as owed a duty under the homelessness legislation (for instance, rough sleepers are more likely to be single people compared to families who comprise the majority of people owed the main homelessness duty), they do suggest that the number of homeless people with a religion or belief is in line with the general population of England. As such, we consider that people with a religion or belief are unlikely to be disproportionately affected by changes to discharging the main homelessness duty.

### Sexual Orientation

42. We do not collect data on homeless acceptances' sexual orientation (or on those accessing social lettings). We have sought information from external partners but the majority of local authorities do not collect data on these characteristics. A survey by Crisis in 2005 suggested there may be a disproportionately high number of people among the single homeless population who are gay, lesbian, bisexual or transgender, particularly among young people. (Some estimates are as high as 30% in urban centres).
43. However, as above, this group is likely to have different characteristics from households accepted as owed a duty under the homelessness legislation. We are not aware of any evidence showing that LGBT people are more likely to be accepted as homeless, and have not had this raised as an issue by local authorities or external partners. We therefore consider that people with a LGBT sexual orientation are unlikely to be disproportionately affected by changes to discharging the main homelessness duty.

### Conclusion

44. We have identified that the proposed change to the way the main homelessness duty can be fully discharged is more likely to affect women, pregnant women, young people and children, people from black and minority ethnic communities, and people with a disability. These groups are likely to fall within a 'priority need' category for homelessness assistance, and therefore will be owed the main homelessness duty.
45. Local authorities that choose to use the flexibility to end the main homelessness duty with a private sector offer will also need to assess the impact on the equality groups of their policies and practices.



46. A strong homelessness safety net will remain in place, ensuring that local housing authorities are still required to secure suitable accommodation for all applicants who are eligible for assistance, homeless through no fault of their own and who fall within a priority need group.
47. Local authorities will still be able to end the homelessness duty with an offer of social housing, where they decide this is appropriate or there is no accommodation available in the private rented sector suitable for the applicant. Local authorities will decide how to bring the homelessness duty to an end in individual cases.
48. As public bodies, local authorities have a legal requirement to carry out equality impact assessments of the effect their policies and practices will have on equality groups.

#### Changes made as a result of the Equality Impact Assessment

49. We are able to analyse the potential equality impacts of a change to the way the main homelessness duty can be fully discharged by looking at the types of household accepted as homeless and owed the main duty i.e. those eligible for assistance, homeless through no fault of their own and in a 'priority need' category. Data on households accepted as owed the main homelessness duty ("homeless acceptances") is recorded through the Departments' P1E statistical returns.
50. To mitigate concerns about reduced security of tenure in the private rented sector, we are putting additional protection in place. In order for the main homelessness duty to end with an offer of suitable accommodation in the private rented sector, the tenancy must be for a minimum fixed term of at least 12 months. Moreover, the duty will recur if the applicant becomes homeless again within two years of accepting the private rented sector offer, through no fault of their own, regardless of whether they still have a priority need for accommodation.

## Abolishing the Standards Board for England

### ***Limitation of Data/information***

51. The Standards Board for England carried out a consultation with their staff in accordance with Cabinet Office protocols.

### ***Known Difference in Need for those with Protected Characteristics***

52. As an arms-length body sponsored by DCLG, the Standards Board has prepared an action plan for reducing its workforce ahead of closure with DCLG approval. The following arrangements for Stage One of its

- the redundancy policy was based on a formal agreement because this is less likely to result in discrimination than “ad hoc” arrangements
- a meaningful 90-day consultation following Cabinet Office protocols was held with staff and the trade union, ensuring that staff on maternity leave and home-workers had easy access to proposals for Stage One
- accreditation was arranged for staff to access the Civil Service Vacancies Gateway to open up more job opportunities
- after identifying the posts most at risk of compulsory redundancy following budget reductions and reduced activities, priority was given to people in these posts for acceptance on the voluntary redundancy scheme in order to avoid compulsory redundancies
- the Standards Board for England sought to redeploy staff most at risk who wished to stay on if they could take over posts of staff who were given voluntary redundancy
- a helpline was provided for staff
- the selection criteria for redundancy were developed in line with the ACAS guidance on handling redundancies to ensure that the criteria were objective, and in order to avoid discrimination or unfairness to any of the protected groups
- the trade union was consulted on the selection criteria and their feedback used to inform the final criteria
- DCLG helped the Standards Board for England to obtain approval to provide outplacement services to staff going on voluntary redundancy to respond to their individual needs when seeking new job opportunities – for example, help with writing CVs, making job applications and preparing for interviews.

## Tenant Services Authority closure Programme and Transfer to Homes and Communities Agency

53. The proposal to abolish the Tenant Services Authority and transfer its regulatory operations into the Homes and Communities Agency will impact all Tenant Services Authority staff. Even without the proposal to merge operations into the Homes and Communities Agency the Tenant Services Authority would have needed to restructure due to changes in the regulatory remit resulting from the review of social housing regulation and in response to the outcome of the comprehensive spending review.

Equality impacts are being monitored from a base date of 30 September 2010 when there was 222 staff.

54. Using baseline data of 30 September 2010 the Tenant Services Authority's staff included the following percentages for each monitored diversity strand:

Female 130 staff 59%

Male 92 staff 41%

BAME 38 staff 17%

Disability 14 staff 6%

LGBT 13 staff 6%

Contractual Home-workers 41 staff 18%

Part time staff 19 staff 9%

55. We do not anticipate any disproportionate impacts on any group. However job reductions and transfers will obviously impact a significant number of staff and the organisations are providing support and assistance with internal counselling, training in CV preparation, interviewing skills, and personal change management.
56. They are encouraging staff to use 1:1 consultation meetings and the development support services to raise any issues that may be specific to them so we can respond as necessary. They also picked up any group issues through these and general consultation procedures.
57. An organisational integration plan has been developed jointly with Tenants Service Authority and Homes and Communities Agency, and this includes an equalities workstream. Milestones for this include:
58. the establishment of the Equality and Diversity Harmonisation Group between the Homes and Communities Agency and Tenant Services Authority that would oversee the transitional arrangements for equality in the lead up to April 2012.

### ***Positive Impact of the Localism Bill on groups with protected Characteristics***

#### **Community right to challenge**

59. Available evidence suggests that the impact of this policy on equality groups is likely to be positive. The right to challenge is intended to provide benefit to service users so equality groups should benefit to the same

60. It will provide opportunities for voluntary and community sector organisations to express an interest in, and potentially run, local authority services. The UK Civil Society Almanac 2010 figures for 2007/08 show that high numbers of voluntary and community sector organisations benefit some of the equality groups<sup>1</sup>, and these groups could particularly benefit from improved service provision by such organisations<sup>2</sup>. In addition, equalities groups may be represented among groups of local authority workers who express an interest in running the service they deliver.
61. The evidence from the Tenant Management Organisations' programme suggests the experience of giving community organisations responsibility for running local services is one which results in greater satisfaction among black and minority ethnic groups. There are also better opportunities for the needs of women and black and minority ethnic groups to be represented compared to where services are run by a local authority.<sup>3</sup>

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<sup>1</sup> The percentage of VCS organisations benefiting equalities groups is as follows: 47% children/young people, 23% elderly/old people and 22% people with disabilities. There are also VCS organisations which benefit each of the equalities groups detailed in the Equality Act 2010.

<sup>2</sup> For example Leonard Cheshire, a charity representing the disabled, "uses its voluntary income, judiciously, to supplement - not subsidise - [disabled social care] services where appropriate thereby making them of greater value to the individual beneficiary than if they had been provided directly by the commissioning authority". See *Rhetoric and Reality* Ev242.

<sup>3</sup> A survey of English housing in 2000/01 showed that "satisfaction among black and minority ethnic residents was particularly high: 81% were satisfied with the TMO overall compared with 51% of non-white social sector tenants." In addition, women and black and minority ethnic groups are better represented on the boards of TMOs than on local authorities. See *Tenants Managing*.

## Section 2: Planning

### *Policy Streams*

62. Planning Directorate is currently responsible for the following policy streams:

Planning Development – Micro-generation and planning aspects of enterprise zones and planning appeal

Major Infrastructure – Infrastructure planning regime

Planning Inspectorate – Structural reform priorities

63. Equality Impact Assessment initial screenings were conducted on the following:

- The National Planning Policy Framework sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them
- Abolition of Regional Strategies, including their legislative structure contained in Part 5 of the Local Democracy Economic Development and Construction Act 2009 and existing Regional Strategies outside London
- Planning simplification measures designed to speed up the process of applying for and obtaining planning permission
- Implementation of the Government's policies in respect of the major infrastructure planning regime; to abolish the Infrastructure Planning Commission
- Environmental aspects of planning policy, including climate change and minerals planning
- Increasing the scope for permitted development, including widened permitted development rights for domestic and non-domestic micro-generation
- Review of planning appeal procedures to make them more streamlined and timely

The following in particular was considered in the initial screenings:

64. **National Planning Policy Framework** - An Equality Impact Assessment screening process was undertaken of the individual policy areas in the draft National Planning Policy Framework and on the final National Planning Policy Framework, these screenings covered a range of policy areas. Equality Impact Assessment screenings on the final National

Planning Policy Framework were undertaken in 14 different policy areas. A further three Equality Impact Assessment screening exercises was carried out, in relation to the introduction of sections in the National Planning Policy Framework to replace existing planning policy documents. After the end of public consultation, the responses were searched for equalities issues using the following keywords: race, disability, equality, equalities, gender, age, religion, women, ethnic minorities, elderly and children. No issues were found to have been raised.

65. **Abolition of Regional Strategies** - As part of the initial screening assessment, consideration was given to whether the abolition of Regional Strategies, including targets for housing and Gypsy and Traveller pitches, and polices for economic development will have a disproportionate effect on any specific groups in society.
66. **Planning simplification measures**- Screenings were done for the following but no full assessments were undertaken:
- Pre-application compulsory consultation duty
  - Simplifying information requirements
  - Planning Guarantee
  - Relaxation of Planning Rules for Change of Use from Commercial to Residential
67. Full Equality Impact Assessments were done on the following:
- Neighbourhood Planning as part of the Localism Bill
  - Withdrawal of Circulars 01/06 (*Planning for Gypsy and Traveller Caravan Sites*) and 04/07 (*Planning for Travelling Show-people*) and replacement with a new planning policy, “traveller sites”.

### ***Evidence Used***

68. Policy teams used a range of evidence and information sources which underpinned the development and impact assessment of the relevant policies, including:
- Evidence of existing policy impacts (from correspondence, meetings etc)
  - DCLG research statistics
  - Comments received through public consultation
  - *Planning and Diversity: Research into Policies and Procedures* (2004)

- *Diversity and Equality in Planning – A Good Practice Guide* (ODPM, January 2005)
- *Citizenship Survey 2009 – 10* (DCLG, July 2010)
- Evidence to the Select Committee on the Abolition of Regional Spatial Strategies
- National quarterly planning statistics and Planning Inspectorate statistics
- Reports by the Equalities and Human Rights Commission, Joseph Rowntree Foundation and other organisations
- Responses to DCLG public consultation on the draft planning policy for traveller sites and its associated Equality Impact Assessment.
- Bi-annual *Caravan Count* figures
- Letters to the Department from MPs, elected members, council officials, general public and traveller organisations
- Records of discussions with a number of traveller community representatives; the National Association of Gypsy and Traveller Officers; officials from the Greater London Authority; and a number of local authority planners
- Records of discussions with and written submissions from *The Showmen’s Guild of Great Britain*
- Informal DCLG survey of local planning authorities on participation of traveller groups in the local development plans process
- Written memorandums to the Parliamentary Select Committee on the Abolition of Regional Strategies (November 2010) from individuals and organisations, including *Friends Families and Travellers*; *Irish Traveller Movement in Britain*; and the *National Federation of Gypsy Liaison Groups*.

## National Planning Policy Framework

### ***Limitation of Data/Information***

69. No information gaps have been identified. Sufficient information was available to form an opinion about the likely equalities impact of the Framework on protected groups.
70. **The National Planning Policy Framework** and in particular the presumption in favour of sustainable development should ensure that local planning authorities plan positively for appropriate new development; so that plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. The outcomes are intended to benefit all members of the

community including those submitting planning applications as well as those who seek employment, housing and accesses to social and green infrastructure.

71. Planning policy for travellers has been considered in a separate policy document and a full Equality Impact Assessment has been undertaken of that document (*Planning for traveller sites*). However, the impact of the Framework on the travelling community was considered as part of the Framework Equality impact assessment screening.
72. The National Planning Policy Framework supports the important role that the planning system can play in facilitating social interaction and creating inclusive communities. It states that local planning authorities should aim to involve all sections of the community in the development of local and neighbourhood plans and in planning decisions. This policy is likely to help integrate hard to reach groups including travellers into the local community and is unlikely to have a negative impact on the travelling community or in planning for traveller sites.

### ***Positive impacts on groups with Protected Characteristics***

73. Improving development supply to meet identified need should bring social benefits generally, including for those minority groups which suffer disproportionately from a shortage of housing, employment and service opportunities. While the extent of this benefit is difficult to quantify, the overall effect – and the particular impact on different protected groups – should be positive.
74. The National Planning Policy Framework supports the important role that the planning system can play in facilitating social interaction and creating inclusive communities. This policy is likely to help integrate hard to reach groups including travellers into the local community.

## **Withdrawal of Circulars 01/06 and 04/07**

### ***Limitation of Data/information***

75. No gaps in data were identified in carrying out the Equality Impact Screening on the draft policy. However, we published the policy and Equality Impact Assessment for consultation, so are revisiting the assessment in light of those responses as Ministers decide their final policy.



### ***Known Difference in need for those with Protected Characteristics***

76. Romany Gypsies and Irish Travellers are recognised as having a protected characteristic under the Equality Act 2010. The Government recognises that these groups experience poor social outcomes and discrimination. It, therefore, wants changes to policy to promote equality and reduce discrimination. A decision to carry out a full Equality Impact Assessment was, therefore, made.
77. Possible equality impacts identified were:
- Risk of a short term reduction in authorised traveller sites
  - Risk that Local Planning Authorities will only bring forward large parcels of land (rather than the smaller area that travellers more readily seek)
  - Risk that sites will not be provided where they are needed
  - Risk that travellers will not be able to participate effectively in the Local Plan making process
78. Having assessed these potential impacts in the Equality Impact Assessment we concluded that the policy did not have any adverse impacts on any protected groups. The draft policy and Equality Impact Assessment was published for consultation.
79. We are currently considering the responses to the consultation on the draft policy as we work up the final policy with Ministers. The Equality Impact Assessment is also being revised.

## **Abolition of Regional Strategies**

80. The initial screening of the abolition of Regional Strategies concluded that it is unlikely there will be a decline in housing or business development. As a result, the removal of regional housing targets is not likely to have a disproportionate impact on any race, disability or gender group. Nor is it considered that the new arrangements will create a slowdown in economic growth that would result in unintended impacts on specific groups.
81. The initial screening took account of the impacts of the abolition of regional strategies upon Gypsies and Travellers and concluded that the mechanisms for assessing and planning for gypsy and traveller sites reflect their accommodation needs. It also concluded that the Government's proposals for decentralisation and incentives will address the barriers to progress identified in the EHRC Report (2009) regarding progress on meeting accommodation needs of Gypsy and Traveller

communities. In particular it will remove the uncertainty identified in the Report introduced by Regional Strategies and provide an incentive for local authorities to take the lead and work effectively.

82. The initial screening recognised that the Government has announced its intention to revoke Circular 01/2006 (“Planning for Gypsy and Traveller Caravan Sites”). Therefore, the initial screening will be reviewed if and when the Circular is revoked to assess the implications of revocation and any replacement policy (if any) for the analysis in the screening.
83. The Government has secured £60 million of traveller pitch funding to 2015, through the Homes and Communities Agency. This will help local authorities and other registered providers build new and refurbish pitches for travellers, helping to reduce the number of unauthorised sites which create tensions between travellers and the settled community. On 7 January 2012 the Government announced the allocation of £47 million Traveller Pitch Funding to 72 projects; £38.7 million will help build 617 new pitches and £8.2 million will help refurbish 167 existing pitches. New bids for the remaining £13 million of the £60 million budget will continue to be considered and the Homes and Communities Agency will help those who had their bids rejected to improve and resubmit their offers so that further pitches can be delivered over the next three years.

***Positive impacts on groups with Protected Characteristics***

84. The Government believes that its new planning policy will have a positive impact on Gypsies and Travellers and community relations between traveller and settled communities and that it will promote equality.

## Section 3: European Regional Delivery Fund

85. European Regional Delivery Fund Programmes are delivered by eight local committees and is aimed at stimulating development and regeneration in key urban areas where there is significant concentration of unemployment, low skills and low enterprise. The overall objectives are to create new employment opportunities and promote the take-up of these opportunities to residents in disadvantaged areas.
86. Equality Impact Assessments were undertaken by each region at the commencement of their programme prior to 2010. Each regional team have put processes in place to ensure that respective project applicants demonstrate that they have considered equal opportunity in the development of projects, the running of their organisations and have a practical plan in place to promote equal opportunity. For example the East of England Local Management Committee has a standing Equality and Diversity item on its quarterly meeting at which progress on equality and diversity issues are discussed and actions agreed.

### ***Evidence Used***

87. Local Committees draw on a range of evidence which is considered in demonstrating due regard to the Public Sector Equality Duty:
- Extracts from consultation responses
  - Reference to research :
    - Regional Economic Strategy 2006-16 (RES)
    - Regional Economic Strategy 2006-16 Evidence Base
    - National Strategic Reference Framework (NSRF)
    - European Social Fund 2007-13 Operational Programme for England and Gibraltar (ESF OP)
88. DCLG does not have a direct role in the delivery of equality with respect to ERDF programmes. Its role is in ensuring that best practice, identified at the start of the programme is embedded at all stages within the project design, development and delivery and that all project applicants have robust monitoring systems that capture relevant data. Regional teams produce annual implementation reports which are approved by a local management committee before being submitted to the European

Commission. The ERDF programme has adhered principally to the following regulations:

- **ERDF Regulation** - Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999
- **General Regulation** - Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999
- **Implementing Regulation** - Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund
- Article 16 of Regulation (EC) 1083/2006, the specific article which relates to Equality.

### ***Limitation of Data/Information***

89. The range of information collection varies from local committee to local committee with some projects being able to collect “people based “outputs and results by all the protected characteristics in relation to job outputs.
90. MCIS, the ERDF national data system which holds all project data is being reviewed to try and incorporate data relating to a number of the protected characteristics listed under the Equality Act.

### ***Known Difference in Need for those with Protected Characteristics***

91. Most work carried out in relation to difference in need was done by each region through the evidence analysis for their programme level equality impact assessments. These were established at the beginning of the ERDF Programmes and included recognition of specific issues providing barriers to accessing opportunities created through the different Programmes.
92. The types of issues include, with regards gender, under-representation of women business owners and women-led start-ups; statistical likelihood of women being more likely to work in part-time jobs than men; economic focused programmes supporting innovation, knowledge based and high

growth activity which tend to be in technical and engineering type companies that are traditionally male-dominated.

93. With around a fifth of the working age population defined as disabled, employees require projects and employers to be responsible and adaptive; and importantly, disabled employees require the Programmes to meet their access needs (around physical mobility, hearing and visual needs) when investing in capital build, infrastructure and transportation projects.
94. Other needs are recognised around ensuring people from different ethnic backgrounds are aware of opportunities provided by the Programmes without encountering barriers of language or cultural lack of understanding, and also around age where for example the implementation of new technology such as broadband may well widen the digital divide and increase digital exclusion, particularly for older people who are not so familiar with new technology, for people who have disabilities and require assistive technology, or for people on lower incomes who can't afford to take up broadband opportunities. All these issues, and others, are therefore recognised in the planning, delivery and monitoring of the Programmes to ensure that equality opportunities are maximised and risks mitigated.

### ***Positive Impact on groups with protected Characteristics***

#### Overview

95. Although the programmes are not specifically aimed at groups with protected characteristics they are likely to have a positive impacts on women, black and minority ethnic groups, people with disability who are current underrepresented in the labour market, and those that experience particular barrier to starting or growing a business which would also include younger and some older people.
96. The principal equality objective of the programme is to reduce economic and social inequalities by ensuring that opportunities generated are available to everyone. Each region has sought to achieve equality of outcome through a number of operational objectives which are:
  - Support under-represented groups to access employment opportunities generated by the programme
  - Increase the number of people in under-represented groups accessing employment in higher skilled occupations and sectors they are currently under-represented

- Ensure that business support is responsive to the needs of all communities and under-represented groups
  - Increase the participation of people from underrepresented groups in the management and implementation structures of the programme.
97. The following case studies serve to highlight the various approaches that the regions have used to evidence 'due regard' in their approach to achieving equality of outcome.

## Case Studies

98. **Priority 4 of the North West operational programme** aims to create and aid access to employment; in particular to simulate enterprise in disadvantaged communities, which includes a focus on groups underrepresented in enterprise; women, black and minority ethnic communities, people with disability, younger and older people.
99. In addition the programme has put in place a number of measures which aim to ensure that all projects maximise positive equality impacts. All capital projects must comply with the programme sustainable building policy, this has incorporated measures to ensure that buildings are assessable, and organisations implement good equality HR practice.
100. All projects completed an equality impact assessment process during application: Equality is integrated into the framework for project appraisal on-going monitoring of projects.
101. The programme has developed guidance and toolkit, which sets out what is expected of projects for each area of the programme. These broadly cover all groups with protected characteristics.
102. **The Yorkshire and Humber ERDF programme** embed the equalities and diversity cross cutting theme into all programme activities to ensure that projects supported by the European Regional Development Fund promote a democratic, socially inclusive, healthy, safe and just society with respect for cultural diversity. Integrating this and the environmental theme produces projects that balance economic, social and environmental objectives.
103. Within each of the four priorities there are opportunities to support projects with a specific equalities and diversity cross cutting theme focus, for example:
- Targeting of under-represented groups to build entrepreneurship and connection to better jobs

- Facilitating better connectivity between people, places and economic opportunities
- Overcoming barriers to employment faced by individuals from all groups.

<b>Table 1: Cross-cutting Theme Indicators Y &amp; H Operational Programme</b>					
Indicators		OP Priorities			
		P1	P2	P3	P4
Outputs					
a) Environmental	No of environmental sector businesses supported				
	Area of new and upgraded floor space upgraded to minimum BREEAM standard of very good or excellent	60664	72166		45052
	No of businesses assisted to undertake environmental audits	210	1120	70	
b) Equality	No of projects overcoming barriers to employment			617	
Results					
a) Environmental	No of new businesses created in environmental sectors				
	Gross jobs created in environmental sectors				
	Increase in sales from new environmental products and services developed (£m)				
	No of businesses implementing recommendations from environmental audits	168	896	56	
	No of businesses reducing energy consumption by more than 10%				
	No of businesses reducing waste production				
	No of businesses reducing emissions				
	No of businesses achieving independent environmental accreditation		716		
b) Equality <sup>2 3</sup>	No of new businesses created – majority female owned	75	579	159	
	No of new businesses created – employers from Black and Minority Ethnic communities	24	196	52	
	Gross new jobs created for women	2126	6007	2005	553
	Gross new jobs created for Black and Minority Ethnic	402	1177	258	56
	Gross jobs safeguarded – women	559	4208	1204	552
	Gross jobs safeguarded – Black and Minority Ethnic	105	821	159	54
Impacts					
a) Environmental	Net start up environmental businesses created				
	No of businesses assisted to reduce Greenhouse Gas Emissions		3839		

104. The Mid-term evaluation of the **North East ERDF Programme** found among other things:

- Progress has been made in embedding cross cutting themes (including equalities) with the North East and in monitoring progress
- The programme can demonstrate positive impacts in terms of addressing spatial inequalities.

- A range of useful monitoring indicators are in place.
105. **South West ERDF programme** commissioned and implemented a Social Sustainability Toolkit which is a way to deliver best practice accessibility features over and above the legislative minimum of Disability Discrimination Act and Building Regulations. It allows the Programme Secretariat to gather specific details at business planning about the detail of the build and to challenge projects to implement positive access features such as hearing loops, lifts, using access audits etc in order to future proof and produce a high quality investment.



## Section 4: Fire Resilience and Emergencies

106. Fire safety interventions nationally focus on policy development and national publicity campaigns to target the general public, but also vulnerable groups identified through research. This work also supports fire and rescue authorities in how they meet their responsibilities. These include older people and those with disabilities, along with single parents, middle aged people who drink and smoke in the home, students and also certain black and minority ethnic (BAME) groups, such as Bangladeshi, Pakistani and Somali. Fire Resilience and Emergencies carried out three Equality impact assessments; ***Fire Kills Campaign (December 2010), Work programme to raise awareness of the compliance requirements of the Regulatory Reform (Fire Safety) Order 2005 (February 2011), Fire Safer Cigarettes (June 2011).***

107. The vast majority of interventions on fire safety take place at the local level. Fire and rescue authorities have a legal duty to promote fire safety in their area and have the primary responsibility for ensuring that they have the equalities evidence locally to target their activities.

### ***Evidence Used***

108. Evidence is always used to inform fire safety policy development. A few key research projects are listed below:

- Learning Lessons from Real Fires
- Understanding People's Attitudes to Fire Risk
- Quantitative Exploration of the Impact of the Fire Kills Media Campaign
- Evaluation of the Home Fire Risk Check Programme and Fire Prevention Grant
- Comparisons of the propensity of fire safe cigarettes and conventional cigarettes to ignite textile materials used in a domestic environment

### ***Limitation of Data/Information***

109. There are no identified gaps in our data in relation to equality issues.

### ***Known Difference in Need for those with Protected Characteristics***

110. All these policy interventions are targeted on the general public and are designed to enhance fire safety awareness across all members of our communities. However, as some communities and groups are more at risk than others, the preventative and protective measures is more likely to provide a greater benefit to them. These interventions do not affect any group unfavourably as the purpose is to keep people safe from fire. They are fully inclusive in the sense that they relate to all sections of society, considering the various needs of the individual groups.

#### Ethnicity

111. Smoke alarm ownership is lower across Asian households, so prevention and protection measures have been targeted specifically at these communities, utilising relevant media and communication channels. In addition, we have used evidence to identify other black and minority ethnic communities where awareness of fire safer behaviour is lower than in the general population and targeted tailored fire safety messages at these communities.

#### Age and Mental Health

112. Over half of those people who die in domestic fires are aged over 65, and anecdotal evidence from Fire and Rescue Authorities also suggests that poor mental health is a factor in exposure to risk from fires. We have targeted older people in a variety of ways to ensure they take the necessary precautions and we continue to consider how we can better understand and work with partners to target appropriate risk mitigation interventions.

### ***Positive Impact on groups with protected Characteristics***

#### ***The Fire Kills Campaign:***

113. The ongoing campaign does not have any negative equality impacts. It targets the general public with fire safety messages, including the purchase and regular testing of smoke alarms, and specifically targets vulnerable and harder to reach groups, including black and minority ethnic and the elderly. An evaluation of the October 2011 media burst indicated that impact of the campaign had been positive in influencing behaviour change. We will continue to monitor fire statistics and other evidence and ensure the national campaign remains flexible to respond to the needs of certain key groups.

***Fire Safety Order Awareness Raising Strategy:***

114. It is not anticipated that the delivery of fire safety messages has a negative impact. The 2010/11 work programme sought to raise awareness of the legislative requirements and targeted a range of trade and other industry representative organisations – including the third sector and small scale take-away food retailers - to promote the availability of accessible guidance to support compliance.

***Fire Safer Cigarettes:***

115. The policy did not have any negative equality impacts. All EU and UK smokers are now unable to purchase cigarettes which do not comply with the new EU safety standard. Research has indicated that the introduction of the EU Standard will have a hugely positive impact, saving between 25-64 lives each year in the UK, and up to 800 per year across the EU as a whole.

# Section 5: Decentralisation and Big Society

## Policy Streams

116. The objective of decentralisation is to encourage citizens and their communities to participate more effectively in the governance, design and delivery of services, for instance through neighbourhood groups, and engage in positive social action, giving of their time and money. The division is responsible for the following policy streams:

- Big Society and Community Rights (includes policy streams on Community Right to Bid; Community Right to Challenge; Community Green Space Policy; Voluntary and Community Sector; Youth Engagement; Barrier Busting; and Community Finance)
- Decentralisation and Neighbourhoods (which covers an overarching approach by Government to ensure power is passed down to communities, neighbourhoods and neighbourhood councils. There is a distinct policy stream within this division focusing on Neighbourhood Community Budgets)
- Integration (which includes a number of policy streams relating to Common Ground and Responsibility; Faith Participation and Empowerment; and tackling Extremism and Intolerance). The Faith Communities Engagement Team sits within Integration Division and there is a faith dimension to all the above policy streams.
- Equalities and Enterprise (including policies to encourage social mobility, tackle inequality, encourage enterprise and support the particular needs of Gypsy and Traveller communities)

## Decentralisation

117. Decentralisation is the overarching approach of this Government, ensuring that power is passed down to the lowest appropriate level. It is not a policy in itself and it is not an agenda confined to a single department or issue. The Localism Act (2011) and other associated policies across Government and the take-up of localist opportunities by local partners give effect to decentralisation. Therefore, it is not feasible to consider the Equality Duty in relation to the overarching approach of decentralisation, but there has been detailed consideration of the Equality Duty in relation to specific policies that give effect to decentralisation, e.g. new powers and policies in the Localism Act such as the Community Right to Bid.

## Evidence

118. For **Big Society** work, Equalities Screenings were undertaken previously in relation to Community Right to Bid and Community Right to Challenge policies. A public consultation was also undertaken which included representations from equalities groups. A full equality impact assessment was not required as “it is not judged that there is any single group that will be adversely affected by this policy”. In addition, Equality Impact Assessment Screening forms were submitted in autumn 2010 for the following Big Society projects:

### **Groundwork**

119. The Equality impact assessment screening document for Groundwork noted that the project activities were targeted in deprived areas where there are higher concentrations of certain Protected Groups, for example, minority ethnic groups. This Equality impact assessment screening document drew on a range of data including the 2001 Census, Labour Market data and the 2007 Index of Multiple Deprivation as well as a substantial body of academic studies.  
[http://www.statistics.gov.uk/articles/labour\\_market\\_trends/unemp\\_in\\_brief.pdf](http://www.statistics.gov.uk/articles/labour_market_trends/unemp_in_brief.pdf).

## Integration

120. Integration and Equalities policies have been developed with reference to a substantial body of evidence of the particular challenges faced by different groups in society – for example, experience of prejudice, barriers to social mobility or inter-community tensions. Policies have been specifically designed to positively address these challenges and improve conditions of Protected Groups.

### **Limitation of Data/information**

121. The Equality impact assessment screenings in relations too Grant to support Groundwork UK, Green Space Activity Grant and Green Flag Award Scheme did not identify any gaps in data or equalities information. However, the Community Right to bid/Challenge Equality screenings found data on the effect of the policy on gender re-assignment and marriage and civil partnership groups hard to come by.

### **Known Difference in Need for those with Protected Characteristics**

122. Equality Impact Assessment Screening Forms for some specific policies under Big Society and Community Rights (Groundwork, Green Space

Partnership and Green Flag Award Scheme) noted that the conditions of disabled people would be improved through this work.

### ***Green Space Partnership and the Green Flag Award Scheme***

123. The Equality impact assessment screening documents for these projects demonstrated that green space has the potential for enhancing social cohesion amongst those groups in society that are particularly vulnerable to social exclusion, e.g. people with disabilities, ethnic minorities, young people, older people, and those at an economic disadvantage

### **Positive Impact on groups with protected Characteristics**

124. The key groups **specifically** likely to benefit from policies are:

- People with disabilities (Green Space policy);
- Minority ethnic groups (Integration, Green Space, Equalities and Enterprise);
- Minority Faith groups (Integration).
- Gypsies & Travellers - The Department is providing £60 million of traveller pitch funding to 2015, through the Homes and Communities Agency.

### Overview

125. Overall, the policies implemented by the Decentralisation and Big Society Directorate are focused on supporting opportunities for communities as a whole and working towards a fairer and more equal society.

126. For example, most policies related to Big Society and Community Rights do not focus specifically on Protected Groups but contribute to fostering good relations amongst all parts of a community. Similarly, decentralisation – an overarching approach rather than a specific policy – will empower communities and allow everyone the opportunity to exercise choices and influence the future of the place where they live.

127. Such an approach has the inherent potential to lead to substantial improvement of some of the particular challenges faced by Protected Groups. Yet on the whole, policy delivery is consistent with the Government's deliberate shift away from interventions made on the basis of race or ethnicity and reflects the move towards increasing the impact of core and mainstream policies and programmes for communities as a whole.

128. Funding will continue to promote equality of opportunity for all, particularly through targeted action in deprived communities where there are concentrations of disadvantaged groups, including for example, people with disabilities or minority ethnic groups.
129. A programme of support is also being developed to help those wanting to utilise the opportunities that the community rights present, to include the Community Right to Bid and Community Right to Challenge
130. At the same time, some policy streams have an explicit focus on enhancing the conditions of Protected Groups. For example, some specific elements of work to create the conditions for a well integrated society or policies which promote equalities and enterprise specifically aim to reduce prejudice, foster good relations between different communities and advance equality of opportunity. Such work has the potential for meaningful, positive change that can contribute to fairness and opportunities for everyone.

# Section 6: Homelessness and Support, Building Standards and Climate Change

## *Policy Streams*

- Building Regulations and the Building Control System
- Code For Sustainable Homes and future housing standards
- Zero Carbon Buildings

## Building Regulations

131. Building Regulations and associated policy streams control certain types of building work, principally the erection and extension of buildings and provision or extension of certain services or fittings.
132. In order to ensure that Building Regulations remain fit for purpose they are subject to Periodic review and update. Currently we are working on proposals for changes to the Building Regulations which will come into force in 2013, and we will be consulting on these proposed changes in early 2012
133. To identify whether people with protected characteristics would be directly impacted by the areas of policy under review the entire programme was subject to an Equality Impact Screening exercise at the start of this cycle in 2010.
134. Part M (Access to and use of buildings) of the Building Regulations deals specifically with the need to ensure that where building work is undertaken, the results are accessible and make adequate provision in terms of facilities to meet the needs of a broad range of users. The screening identified that proposed work in Relation to Access Statements and evaluating the case for new requirements for Changing Places toilet facilities should be subject to full Equality Impact Assessments.
135. Other Parts of the Regulations were also identified as having relevance for people with protected characteristics. The screening identified a number of areas where risks are known to apply in different ways to different groups, such as young people, older people, women and disabled people. Generally it is considered that in these areas the baseline standards in place are appropriate to the range of identified risks.



136. The screening did however identify a small number of further specific equalities issues (see below) and although these were not equivocal the Division is now looking to understand the following better.

### ***Action Taken as a Consequence of Equality issues Identified***

137. Proposals to amend the way in which Access Statements are used when accompanying a Building Control application are intended to improve outcomes (in terms of quality of access) for people with protected characteristics. The equality impact assessment highlighted the need to undertake work beyond simply amending Regulatory Guidance in order to ensure that these benefits are achieved. We have already taken steps to clarify how Building Regulations and the Equality Act support each other in practice, and will be evaluating ways in which Construction Professionals can further improve their skills and awareness.

138. Our evaluation of the case to introduce new Regulatory Requirements for Changing Places toilets resulted in a decision to pursue a voluntary Industry led approach rather than Regulation. The policy implementation will as a result include a fall back to further consider regulatory steps if a voluntary approach prove unsuccessful.

139. The screening also identified some areas where further work is required, specifically:

- **Part G (Sanitation, hot water safety and water efficiency)** and the Approved Document providing guidance on meeting the requirements. *Part G was revised in 2010 and the final impact assessment for those changes indicated no evidence of equalities issues. However, the Department is aware of concerns that Third Party standards referenced in the Approved Document might lead to issues related to adequacy of toilet provision. The Department plans to conduct further research to understand these impacts more clearly.*
- **Part L (Conservation of fuel and power)** and the related Approved Documents. *The screening identified no evidence of equalities issues. However, there are concerns about the impact of overheating during heat waves which could particularly affect older and disabled people – the Department intends to commission research to ascertain whether this requires intervention.*

## ***Evidence Used***

140. Building Regulations and Standards Division has used the Departments core guidance to inform the process of producing its Equality screening and Impact Assessments, namely:

- DCLG's Equality Guide
- Equality Impact Assessment - A Guide and Toolkit Government Code of Practice on Consultation

141. We have on-going contact across government with Other Departments including Department for Environment, Food and Rural Affairs (DEFRA), the Home Office, the Department for Energy and Climate Change (DECC), the Department for work and Pensions (DWP), Government Equality Office (GEO) and the Office for disability Issues (ODI) to ensure that our policies are well aligned and to make best use of available evidence and analysis.

142. In addition we use both formal and informal methods to gather evidence and inform policy and over the last 12 months these have included:

- commissioning specific research to address access issues in both housing and commercial buildings,
- reviews, consultations and impact assessments carried out in the past
- workshops between January and July 2011 to informally gather the views of a wide range of external partners, including Access Officers, designers, people with disability, building control officers
- meetings with Mencap and members of the Changing Places<sup>4</sup> Campaign
- advice from the Building Regulations Advisory Committee (BRAC)
- interviewing the Division's policy leads on equalities issues related to the aims and content of the Regulations and the Approved Documents

## ***Limitation of Data/Information***

143. The two equality impact assessment on Changing Places and Access Statements did not identify any specific gaps in data or equalities information needed to understand the impact of the policy on people with protected characteristics. However the formal public consultation will provide a further opportunity for individuals or groups to raise concerns

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<sup>4</sup> Changing Places toilet facilities are large highly specialised toilets incorporating an adult changing bench, hoist, peninsular WC shower and other facilities to make suitable provision for the sanitary needs of people who require high levels of support.

over any potential policy impacts and these will be taken into account in reaching final policy decisions.

144. Where other areas - such as Part G in relation to toilet provision, and Part L in relation to over heating - were identified as having potential impacts on people with protected characteristics we are undertaking work to establish the extent to which further intervention is justified.

### ***Known Difference in Need for those with Protected Characteristics***

145. The screening for the Building Regulations as a whole identified a number of areas where buildings are known to have different impacts on some of the groups with protected characteristics.

146. As with the equality impact assessment policy areas there is also the opportunity for groups to raise any concerns over the potential impacts of proposed changes to the Building Regulations in the forthcoming formal consultation. Specific consideration is given below to the impact of building regulations policy on individual groups with particular consideration of how Part M (Access to and use of buildings) of the Building Regulations aims to address a number of these issues:

#### People with Disability

147. Ensuring that, where new buildings are constructed or other building work takes place, suitable provision is made for access to and in the new or refurbished building, could have a significant impact on the opportunities available for people with disability, for example, in terms of employment opportunities and the choices available to them. Changing current guidance to improve consideration of access considerations by designers and building control officers in new and refurbished buildings should impact positively on the quality of life for people with disability.

#### Older People

148. There is a strong correlation between increased disability and old age, and as the population ages, the importance of living in an accessible environment will increase. A broad range of the measures within "Approved Document M" (AD M) including those relating to mobility, visual and hearing impairment are relevant to older peoples' ability to access and use the built environment. Any improvement in the quality of compliance with these requirements will therefore have a beneficial impact on this group as a result.

## Women

149. Women still shoulder a disproportionately greater amount of caring responsibilities for family members in old age, young children or for people with disability. Improved outcomes in terms of higher levels of accessibility for vulnerable people, resulting from revised guidance in AD M, could materially improve the situation for carers.

## People with young children

150. Building Regulations Part M includes a number of provisions which benefit families with young children ranging from level thresholds at doorways which facilitate easier access for wheelchair users to baby changing facilities in publicly accessible buildings.

151. Proposed changes to Part L (Conservation of Fuel and Power) of the Building Regulations are also likely to impact on the groups identified above as better insulated and more energy efficient homes could improve the health and quality of life for these groups, in particular as lack of adequate heating is likely to have a disproportionate effect on these groups.

## ***Positive Impact on groups with protected Characteristics***

152. Part M (Access to and use of buildings) of the Building Regulations ensures that that, where new buildings are constructed or other building work takes place, suitable provision is made for access to and in the buildings. As part of the 2013 review process we have committed to:

- Clarify the relationship between Part M of the Building Regulations and the Equality Act.
- Introduce a new approach to demonstrating compliance to improve the quality of consideration of access issues and avoid unnecessary barriers.
- Identify how best to clarify the relationship between Planning stage access considerations and those at Building control stage.
- Work with Profession Institutions to identify how skills and awareness of access issues can be improved.

153. This can include provision for gently sloping approach, level thresholds, entrance level WC's and accessible switches and sockets. This should facilitate easier use and quality of access for the elderly, those with disabilities and/or their carers, and those with young children. In turn this could have a significant impact on the opportunities available to those groups in terms of employment and the choices available to them and should impact positively on the quality of life.

154. DCLG will take forward work to support the delivery of an increased number of Changing Places Toilets through non regulatory measures and in close cooperation with campaign groups and industry. DCLG's work will have a positive impact in terms of improving provision particularly for older people and those with severe and profound multiple disabilities with high care needs. As a result we have undertaken bi-lateral discussion with key retail and service providers, transport providers, and public bodies which have been identified as having a role in improving future provision of Changing Places facilities. These discussions have revealed general positive support for the development of a voluntary approach and we propose to bring campaign groups and industry representatives together early in 2012 to discuss how a collaborative approach might work.

155. Beyond the scope of the 2013 changes to Part M, DCLG has committed to starting work in scoping research to ensure that Part M and AD M remain proportionate, well-evidenced and will continue to meet the needs of people with disability in the longer term. We will review the impact of these proposed changes as part of that ongoing work.

156. Part M already contains a number of measures intended to ensure that all new homes are built to provide reasonable access for a broad range of users. However, the aging population, and the correlation of mobility impairment and disability with old age mean that consideration of what actions are necessary for current and future needs are adequately met. One part of the solution is to consider whether new homes should be built to higher standards of accessibility and adaptability, such as those set out in the Lifetime Home Standard. Within the housing Strategy DCLG set out its support for improvements in housing policy to ensure that the right mix of housing, including Lifetime Homes and Wheelchair housing, are provided in response to local needs. In order to assist in this process, DCLG will consider how research commissioned to date can be utilised to support effective local policy making. Well informed policy will help to ensure positive outcomes particularly for older and disabled people.

[Code for Sustainable Homes and future housing standards](#)

## Climate Change & Sustainable Buildings

157. The Division is responsible for four main areas of work:

- Managing the operation of the [Energy Performance of Buildings regime](#)
- Improving [energy efficiency of existing buildings](#)

- Managing DCLG's contribution to the Government's climate change adaptation and sustainable development programmes
- Leading DCLG's contribution to the Government's carbon budget management programme

158. Climate Change and Sustainable Buildings Division works closely with the Department of Energy and Climate Change (DECC) on development of the Green Deal (a new market finance mechanism to enable private firms to offer households and businesses energy efficiency improvements to their buildings without up-front cost, which is due to be in place in October 2012), and with the Department for the Environment, Food and Rural Affairs (Defra) on cross-Government work to adapt to a changing climate and sustainable development.

### ***Evidence***

159. During implementation of the EU Energy Performance of Buildings Directive, the following guidance were taken into account:

- DCLG's Equality Guide
- Equality Impact Assessment – A Guide and Toolkit Government Code of Practice on Consultation

160. The Division's work to support take up of Green Deal measures through proposals to introduce the requirement for consequential energy efficiency improvements through changes to Part L of the Building Regulations is covered by the information provided in the Building Regulations and Standards section of this document.

### ***Limitation of Data/information***

161. On the Energy Efficiency of Existing Homes work stream, we are at an early stage in our consideration of policy options to influence household reductions in the use of energy and to encourage greater take up of energy efficiency measure. We are reviewing research evidence on behaviour change that has focussed on effective techniques. Going forward we shall consult further, especially with partners, and delivery agents in the Voluntary and Community Sector, as the policy develops.

### ***Known Difference in Need for those with Protected Characteristics***

162. Policy developments on energy efficiency of existing homes are being informed by the differing needs for older adults and people with disabilities. In particular, policy is being informed by the work and

programmes of the Department for Energy and Climate Change that support vulnerable people at risk of fuel poverty.

### ***Positive Impact on groups with protected Characteristics***

163. Overall, we would expect that work to improve the energy efficiency of existing homes would have positive impacts on all groups through reduced energy bills and increased comfort at home. Specific to individual work streams:

- Encouraging energy efficiency of existing homes – we are keen to help different groups, particularly older people and people with disabilities, to improve their standard of living through retrofit as this will help them to keep warm and cut their fuel costs. We will engage with bodies which represent these groups to identify their concerns and needs when developing our policy.
- In managing DCLG's contribution to the Government's climate change adaptation programme we will work with DEFRA to see how the needs of different groups are taken into consideration; particularly ensuring vulnerable people are not adversely affected from flooding and overheating.

## **New Deal for Older People's Housing (including Disabled Facilities Grant)**

164. A package of measures setting out how DCLG is contributing to delivery of the Coalition Agreement commitment to support the elderly and those with higher housing support needs to live independently at home.

### ***Evidence***

165. Disabled Facilities Grant (DFG) is a mandatory grant. The legislative framework governing Disability Facilities Grant is provided by the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 (SI 2008 No 1189) places a limit of £30,000 on the amount of mandatory Disability Facilities Grant which may be given.

166. The Housing Renewal Grants Regulations 1996 set out the basis for the Disability Facilities Grant test of resources, details of allowances, premiums and other factors are updated periodically by SI.

- DCLG commissioned the Building Research Establishment to evaluate the Disability Facilities Grant allocation methodology and propose simpler, fairer and more transparent methods. This informed the more equitable distribution of some of the 2010/11 Disability Facilities Grant allocation, and additional funding provided by Dept of Health January 2012.
- DCLG has invited the Home Adaptations Consortium (independent expert stakeholder group) to take responsibility for publication of Disability Facilities Grant good practice. Their report will be based on previous DCLG guidance: Delivering Housing Adaptations for People with disability: A Good Practice Guide (published 2006).
- FirstStop funding (announced May 2011) – case made to continue DCLG support informed by Cambridge University Interim Evaluation of FirstStop Information and Advice Service (published spring 2010); and notes from stakeholder discussions with the Housing & Ageing Alliance. Members include:
  - Age UK,
  - Care & Repair England,
  - Chartered Institute of Housing,
  - Counsel and Care,
  - Elderly Accommodation Counsel,
  - Foundations,
  - Hanover, Housing 21,
  - HBF Retirement Housing Group,
  - McCarthy & Stone Retirement Lifestyles Ltd,
  - National Housing Federation,
  - Older People’s Action Groups (London and North East).

167. Foundations funding (announced December 2011) – case made to continue DCLG funding for Foundations, the national body for Home Improvement Agencies, informed by data on value for money and leverage from the existing contract with Foundations and discussions with the Housing & Ageing Alliance.

***Positive Impact on groups with protected Characteristics***

168. The Disability Facilities Grant programme has proven to be highly successful with Government funding increasing from £57 million in 1997 to £200 million in 2011. Around 40,000 households receive a Disability Facilities Grant each year. Local authorities also contribute funding from



their own resources making current total public expenditure on adaptations in excess of £300 million.

169. Key findings from the Cambridge University Interim evaluation of the FirstStop service confirm:

- Use of the national service has grown steadily, exceeding DCLG targets with over 90,000 people using the website in 2012/11.
- FirstStop has been successful in bringing together the national and local agencies to develop a 'seamless' service.
- The evaluation has identified a number of benefits and potential savings to the public purse, for example, in helping to prevent a fall or where an older person is assisted to remain living independently in their own home rather than making a premature move to a residential home.
- Client benefits include: feeling more confident in making decisions, feeling more informed and more able to choose between different options; feeling empowered to live in the housing that they felt suited them best and giving them wider choices; preventing housing related health problems, reducing anxiety and improving well-being and quality of life. In addition, some clients benefited financially through receiving financial advice and/or benefits checks.

170. Home Improvement Agencies help a quarter of a million older and people with disability maintain independence and live comfortably and safely in their own homes every year. Home Improvement Agencies deliver around half of all Disability Facilities Grant-funded adaptations. In 2009/10, Foundations, the national body for Home Improvement Agencies, worked with service commissioners to achieve nearly £2m efficiencies through back-office rationalisation / agency mergers, and levered over £1m to the sector from a variety of sources.

#### Preventing and tackling homelessness – (Localism Bill: Discharging the Main Homelessness Duty)

171. Homelessness legislation which forms the basis of the local authority safety net, and funding for local authority and voluntary sector services in order to make a positive and early intervention in people's lives that enables them to maintain a home and settled life

#### **Evidence**

172. DCLG uses data from its statutory homelessness statistics as evidence to assess the impact of the homelessness legislation. It has also used supporting evidence from research and surveys, both published by DCLG

(for example, Statutory Homelessness in England: the experience of families and 16-17 year olds, Nicholas Pleace et al, DCLG, 2008) and external partners (for example, Crisis survey on sexuality and homelessness, Brenda Roche, 2005). DCLG's rough sleeper count does not collect information on the personal characteristics of rough sleepers. As such, we have also utilised additional data sources on single homeless people, particularly from the Combined Homelessness and Information Network (CHAIN) database which monitors rough sleepers in London and is published by Broadway.

### ***Limitation of Data/information***

173. We are not aware of any evidence that people with a religion or belief are impacted on by homelessness policies. Some survey findings have highlighted that LGBT people are more likely to become homeless<sup>5</sup>. The evidence, however, is fairly limited. Local authority and housing association practice has focused on ensuring that housing and homelessness services are appropriate and accessible to people with a sexual orientation.

### ***Known Difference in Need for those with Protected Characteristics***

174. Our homelessness policies aim to provide a safety net for those who are homeless. Households with dependent children and vulnerable people are given priority for assistance within the homelessness legislation in order to ensure that they are secured housing. As such, women, pregnant women, young people and children, and people with disability are more likely to benefit from the protection that is offered by the homelessness legislation.

175. People from black and minority ethnic communities are also likely to benefit as they are over-represented among homeless acceptances (compared to the general population). Men, who are less likely to be given priority within the homelessness legislation (because they do not have dependent children), are more likely to benefit from services to prevent and tackle rough sleeping.

### ***Positive Impact on groups with protected Characteristics***

176. Protected groups are likely to benefit from the protection offered through homelessness policies. Within this, our approach is to provide a safety net for all homeless people and therefore to ensure accessibility for all groups

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<sup>5</sup> Out On My Own: Understanding the Experiences and Needs of Homeless Lesbian, Gay, Bisexual and Transgender Youth, University of Brighton, Health and Social Policy Research Centre, 2006

to relevant services rather than having a substantial equalities impact on discrimination.

177. Women, pregnant women, young people and children, people with disability and people from black and minority ethnic communities are more likely to benefit from the protection that is offered by the homelessness legislation. Vulnerability because of old age is a priority need category within the homelessness legislation but the number of homeless acceptances in this category is less than the general population. Men and people who are disabled/mentally ill are more likely to benefit from services to prevent and tackle rough sleeping.

### The Government Mortgage Rescue Scheme

178. This is part of the cross-Government preventing repossessions programme which supports the Coalition's goals of protecting the vulnerable, preventing homelessness, and supporting homeownership and a stable housing market.

179. Mortgage Rescue Scheme is aimed at homeowners with dependent children and elderly and vulnerable groups at risk of repossession (that is, their lender is actively seeking possession of the property through the courts) Eligible households are those who can no longer afford their mortgage and who have exhausted all other options to remain in their home. The scheme includes two elements:

- *Government mortgage to rent* and
- *Equity Loan*.

### ***Limitation of Data/information***

180. Ethnicity, age and gender data for households accepted onto the scheme has been collected from January 2009.

### ***Evidence and impact on group with protected characteristics***

181. Mortgage Rescue Scheme was developed in 2008 and launched in January 2009 and is therefore outside the period covered by this report. However local authorities which have the responsibility for the delivery of this scheme have a responsibility under Section 149 of the Equality act 2010 to show 'due regard' that equality has been considered as part of a continuous process before and during policy formation, and when a decision is taken.

182. Applications for the scheme are considered by Local Authorities as part of their homelessness prevention duties. A range of eligibility criteria apply including the property value and household income.

183. Mortgage Rescue Scheme encourages a wider range of households to contact their local authority, a debt advisor or lender to discuss their financial difficulties and explore the range of options available to them. There are no specific protected groups targeted under the scheme.

### Supporting People

184. Supporting People services support a wide range of vulnerable people (roughly one million at any one time), some of whom will fall into one or more of the protected groups. The £1,636m funding for Supporting People services was maintained over the spending review

185. Since the launch of the programme in 2003, Supporting People has been fully devolved and all decisions about the services delivered and the client groups supported have been a matter for the commissioning local authorities (top-tier authorities).

186. An Equality impact assessment was carried out as part of the Spending Review 2010: Funding for the Supporting People Programme. Councils will be the sole determinant of how any spending changes are made at the local level. It will therefore fall to Councils to comply with their duties to conduct Equality Impact Assessments and develop their own action plan to mitigate the impact of any potential spending changes on vulnerable groups.

187. As Supporting People is devolved councils will need to assess their own gaps in evidence on the effectiveness and coverage of their Supporting People funded services and to determine likely impacts on different groups of people, in line with their legal duties.

188. DCLG ceased all data collection on Supporting People with effect from April 2011 however the Department is supporting Sitra, the membership organisation for the housing, care and support sector, to develop a 'common framework' for future Supporting People data collection that authorities and providers can own and use at their discretion.

### Housing Supply

189. The division is responsible for improving the supply of new homes through the following work streams:

- Unlocking stalled sites through a £420m **Get Britain Building investment fund**
- Investing £500m to deliver the key infrastructure needed to create jobs and build new homes through the **Growing Places Fund**
- **A new build indemnity scheme** for mortgages will help up to 100,000 prospective buyers currently frozen out of the housing market because of the need for large deposits
- Accelerating the release of Government owned **surplus formerly used land**, capable of delivering up to 100,000 homes over the Spending Review period
- The **Custom home building revolving fund** to provide strong support for custom home building
- The **Community Right to Build** to enable communities in rural and urban areas to bring forward small scale developments
- Putting in place strong new incentives for housing growth through the **New Homes Bonus**
- Providing **support for local areas that want to deliver larger scale new development** to meet the needs of their growing communities
- Supporting communities to take a lead role in designing new homes in their local area

190. An Equality impact assessment on New Homes Bonus was carried out in February 2011 and was taken into account as the policy was developed.

### **Evidence**

191. In developing these policies, evidence used included household projections, public attitude surveys and house building statistics. The sources are referenced in “Laying the Foundations: A Housing Strategy for England. The policies were developed in collaboration with other Government Departments as well as Homes and Communities Agency, industry and relevant external partner organisations. The policies are designed to benefit all groups.

# Section 7: Housing Growth and Affordable Housing

## Policy Streams

192. Since December 2010, A full Equality Impact Assessment was carried out on the **Social Housing Tenure Reforms** and 6 Equalities Screenings have been carried out by the Housing Growth and Affordable Housing Directorate which is responsible for the policy streams listed below:

- Reforming the Homes and Communities Agency into a smaller, stronger, enabling agency to better deliver minister's housing and regeneration objectives, whilst ensuring day to day sponsorship issues are undertaken including monitoring budgets.
- Closure of the Tenant Services Authority (part of the Localism Bill)
- The Affordable Homes Programme, incorporating Affordable Rent, social rent and affordable home ownership
- FirstBuy which is part of the Government's wider proposals to boost growth by stimulating demand, tackling supply barriers and supporting local priorities for supply
- Right to Buy which enables eligible tenants of local authority and housing associations to purchase their rented homes at a discount.
- Social Housing Reforms including flexible tenure; revised allocations guidance; national home-swap scheme; streamlined Right to Manage processes and criminalisation of tenancy fraud.
- Private rented sector policy including sponsorship of Tenancy Deposit Protection scheme; leasehold policy; housing conditions and empty homes policy; park homes policy and promoting investment in the private sector.

## Evidence used

193. Policy teams utilised a range of evidence and information to underpin the development and impact assessment of the relevant policies, including:

- Data from the English Housing Survey 2007/08 – 2009/10
- Responses to the consultation paper, *Local decisions: a fairer future for social housing*, published in November 2010
- DWP benefit tables
- ONS population estimates

- Data from COntinuous REcording of Lettings database (CORE) for 2009/10
- *Report of the Mobility Taskforce*, August 2010
- *Counting Costs – The Economic and Social Impact of Reduced Mobility in Social Housing* (Human City Institute, 2010)
- Feedback from events across the country to explain the Affordable Homes Programme and Affordable Rent
- *The Economics of the Park Homes Industry* report 2002
- In November 2010 the Coalition Government published its consultation paper, *Local decisions: a fairer future for social housing*, setting out its proposals to reform social housing. Although Affordable Rent was outside the scope of the consultation some respondents raise a number of general issues on Affordable Rent. These comments assisted the Department and the Homes and Communities Agency in their work to finalise the details on the Affordable Rent product.

## Affordable Rent

### ***Limitation of Data/Information***

194. A new separate CORE log is being introduced for Affordable Rent lettings from April 2011 to allow ongoing monitoring of the types of households occupying properties let on Affordable Rents, type and length of tenancy and whether the household is eligible for Housing Benefit.
195. \*CORE (COntinuous REcording) is a national information source funded jointly by the Tenant Service Authority and DCLG that records information on the characteristics of both housing association and local authority new social housing tenants and the homes they rent and buy. Policy makers and practitioners regard the system as an essential tool for monitoring housing costs, assessing affordability and developing policy.
196. The CORE database will allow continued analysis of new housing association tenants by gender, age, ethnicity, disability and household type.
197. The profile of the target equality groups in the population of new social tenants (analysed using CORE) will be compared to the profile for the existing social housing and England household populations as reported by the English Housing Survey to assess whether any groups will be disproportionately impacted by the Affordable Rent policy.

## Social Housing Reforms

### ***Limitation of Data/Information***

198. No gaps were identified in the data.

### ***Known Difference in need for those with Protected Characteristics***

#### People with disabilities

199. We recognise that moving to an environment where security of tenure is not provided in all circumstances to new tenants, may in itself create concerns that are more acute for more vulnerable people and those with disabilities. Directions to the Regulator on the proposed tenancy standard specifically require landlords to set out their policies for taking into account the needs of households who are vulnerable. People with disability may depend to a high degree on a local support network and in consequence be particularly concerned about the possible need to move home. Equally they may be concerned about how a fixed term tenancy might impact on their ability to justify adaptations to a property and their ability, if they have learning difficulties, to contest a decision not to renew a fixed term tenancy.

#### Older people

200. 53% of under-occupying social tenants are over 60, compared to 35% of social tenants overall<sup>6</sup>. This group of existing tenants will not be affected by our proposed reforms.

201. Our proposed changes to succession rights may impact on some older people in need of a live-in carer. Resident family members, who may, in some cases, succeed to a secure tenancy on the tenant's death, will lose that automatic right unless they are the tenant's spouse or partner. Conversely, existing laws have prevented succession for some live-in carers who were not related to the tenant. Instead, all social landlords will, for the first time, be able to grant succession rights to resident carers whether they are related to the tenant or not.

### ***Positive impacts on groups with Protected Characteristics***

#### People with disabilities

202. Creating more headroom in the social housing stock is likely to benefit people with a disability more than the population at large. 10% of new

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<sup>6</sup> Based on 3 year average of 2007-08 Survey of English Housing data and 2008-09 & 2009-10 English Housing Survey data.



lettings to those not currently in social housing in 2009/10 went to households who had specific housing needs due to a disability<sup>7</sup>, compared to figure of 6% of the population in receipt of Disability Living Allowance<sup>8</sup>

### Young people and children

203. Families with children, who represent 87%<sup>9</sup> of all overcrowded households in social housing, are likely to benefit from the new flexibility that fixed term tenancies will give social landlords to move under-occupying households and move overcrowded households into more suitable family sized homes. If children were required to move out of the local area however that could have a disruptive effect on their social networks and schooling.

### People from ethnic minorities

204. We would expect people from ethnic minority communities to benefit overall from the proposed changes, both through the increased availability of new lettings and through a better matching of property and household size. New lettings to ethnic minority households comprised 16% of the total in 2009/10<sup>10</sup>, compared to a representation of 13% in the population at large<sup>11</sup>. Overcrowded ethnic minority households represent 40% of all overcrowded households in social housing, compared to 15% of households in social housing overall<sup>12</sup>.

205. More generally, protections we are putting in place for all tenants may be of particular benefit for some equality groups. For example the requirement on social landlords to provide a tenant with advice and assistance, including on finding suitable accommodation, where they decide not to renew a tenancy, may be more important to someone who does not speak or read English readily

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<sup>7</sup> CORE 2009/10

<sup>8</sup> DWP benefit tables [http://research.dwp.gov.uk/asd/asd4/index.php?page=medium\\_term](http://research.dwp.gov.uk/asd/asd4/index.php?page=medium_term)

<sup>9</sup> Based on 3 year average of 2007-08 Survey of English Housing data and 2008-09 & 2009-10 English Housing Survey data.

<sup>10</sup> CORE 2009/10

<sup>11</sup> ONS population estimates <http://www.statistics.gov.uk/statbase/product.asp?vlnk=14238>

<sup>12</sup> Based on 3 year average of 2007-08 Survey of English Housing data and 2008-09 & 2009-10 English Housing Survey data.

# Affordable Homes Programme, Firstbuy and Right to Buy

## ***Limitation of Data/Information***

206. No gaps were identified in the data/information.

## ***Positive impacts on groups with Protected Characteristics***

207. The Affordable Homes Programme, FirstBuy and Right to Buy support the delivery of affordable housing, which is provided to meet housing for those who cannot access through the market. For example, on the Affordable Homes Programme, eligibility for these homes is largely determined through a local authority's allocation policies. Living in a decent home is a major factor in other life outcomes, such as health and education, and thus provision of affordable housing contributes directly to greater equality of opportunity.

208. Increasing the Right to Buy discounts will provide greater opportunities for tenants (with the Right to Buy or Preserved Right to Buy) to access home ownership. Given that the increased discount will apply on the same basis to all tenants eligible for the scheme, no particular groups within this cohort were identified as being disadvantaged by the proposals. All tenants will be eligible for the same or greater discount following the change in policy and no group will become worse off.

## Park Homes

209. Park home sites tend to be marketed as retirement homes and are often limited to the over-50s. Many of the problems in the sector therefore impact disproportionately on older people, and our proposed reforms should therefore be of particular benefit to older people. We plan to reform the park home sector to give residents better rights and protection from unscrupulous site owners and plan to publish a consultation document in the spring course on a range of measures to improve the licensing regime which applies to park home and caravan sites and prevent the unacceptable practice of sale blocking by some site owners.

## Retirement Leasehold

210. We are involved (alongside Age UK and other bodies) in the current review and updating of the Association of Retirement Housing Managers (ARHM) Code of Practice for Private Retirement Housing.

# Section 8: Finance and Corporate Service

## *Policy Streams*

211. Finance and corporate Service is responsible for the policy areas:

- **Business Rates**
- **Sponsorship of Valuation Tribunal Service**
- **Managing Service Level Agreement with Valuation Office Agency**  
(on NNDR & CTax)
- **Council Tax Freeze** – To take forward the Government's policy of providing a Council Tax Freeze for 2012/13
- **Council Tax Referendums:** To take forward the Government's policy in the provision of giving local residents a power to approve or veto excessive council tax increases.
- **Council Tax Policy:** Analytical support on council tax.
- **New Burdens on Local Government:** Analysis of individual new burdens assessments to ensure local authorities are fully funded as a result of government policy
- Formula Grant Distribution
- **Local Authority Pay Accountability:** Measures introduced in the Localism Act 2011 to increase accountability over local decisions on pay and reward of local authority staff.
- **Injury Allowances Regulations:** To revoke and replace the Local Government Discretionary Payments Regulations (SI 1996/1680)
- **Local Government Pension Scheme:** Stewardship of the regulatory frameworks for both the Local Government Pension Scheme and the Firefighters Pension Scheme
- **Administration Regulations:** To achieve equality in the Local Government Pension Scheme as regards the treatment of paternity and maternity leave
- **Firefighter Pension Scheme:** To deliver a new firefighters' pension scheme in line current reforms and regulations

212. They completed the following screening equality impact assessments which showed full equality impact assessments were not required:

Policies related to the Localism Act 2011. These included:

- Cancellation of Certain backdated Business Rates Liabilities
- Business Rates Supplement Veto
- Business Rates Discounts
- Small Business Rate Relief (Simplification of Application)
- Council Tax Referendums
- Council Tax Freeze
- Local Government Finance settlement 2011-12 – Formula Grant
- Local Government Finance settlement 2012-13 – Formula Grant
- Local Government Finance settlement 2011-12 – Transition Grant
- Local Government Finance settlement 2012-13 – Transition Grant
- Workforce and Pay
- Fire-fighter Pension Scheme

## **Workforce and Pay**

### ***Evidence***

213. In developing the policy, officials looked at statistics about the make-up of relevant authority senior officer cadre and LGE statistics on pay, including equal pay. Officials also took account of the fact that relevant authorities are already under a duty to ensure that their pay systems do not prolong, or exacerbate, inequality in the workplace.

### ***Limitation of Data/Information***

214. We are not aware of any gaps in equalities data.

### ***Known Difference in need for those with Protected Characteristics***

215. When the measures were introduced into the Localism Bill, an Equality Impact Assessment initial screening process took place. This judged that the policy is not expected to have any disproportionate effect on any of the equality groups, as it will apply to all relevant officers in local government equally.

### **Positive impacts on groups with Protected Characteristics**

216. The policy will increase accountability and transparency over policies relating to pay and reward, particularly for senior local government and fire and rescue authority employees. This will help ensure that employees are

in a strong position to challenge any perceived unequal pay, and that tax payers can consider whether those policies offer value for money.

## **Injury Allowances Regulations**

### ***Evidence***

217. DCLG consulted on new revised and updated injury allowances regulations from December 2010 to March 2011. A total of 16 responses were received to the consultation from either individuals or organisations. Six responses supported the extension of survivor benefits to include nominated cohabiting partners and as this was seen as strong support DCLG agreed that the provision consulted on should be adopted for the final regulations. DCLG also attended Whitehall-wide meetings where regulatory improvements to the injury allowance scheme were identified.

### **Limitation of Data/Information**

218. We are not aware of any gaps in equalities data.

### **Known Difference in need for those with Protected Characteristics**

219. The new regulations will have a positive impact on the sexual orientation protected group.

## **Local Government Pension Scheme Branch**

### ***Evidence***

220. Additional Paternity leave regulations 2010

### **Limitation of Data/Information**

221. We are not aware of any gaps in equalities data.

## **Administration Regulations**

### ***Evidence***

222. Evidence was provided by Local Government Employers.

### **Limitation of Data/Information**

223. We are not aware of any gaps in equalities data.

### ***Known Difference in need for those with Protected Characteristics***

224. This will allow increase men to take paternity leave.

### **Fire-fighter Pension Scheme**

#### ***Evidence***

225. The Department has consulted on potential amendments to the firefighters' pension scheme. The Department is in the process of analysing the responses received, which included consultation on an existing scheme provision which scheme members have alleged is in breach of age discrimination.

226. House of Lords judgment based on the part time workers regulations, which has been fully considered in negotiating the Settlement.

227. Considered representations from the FBU women's group that the proposed increase to employee contributions potentially discriminates on the grounds of maternity.

228. Working with employers and unions to ensure that any 'tapering' protection provisions proposed for a new pension scheme does not discriminate on the grounds of age.

#### ***Limitation of Data/Information***

229. We are not aware of any gaps in equalities data.

### ***Known Difference in need for those with Protected Characteristics***

230. Both the pension scheme and the redundancy compensation scheme have the potential to impact on individuals, predominantly based on their age and maternity status.

### **Positive impacts on groups with Protected Characteristics**

231. The ongoing management of the pension scheme and introduction of a redundancy compensation scheme for firefighters has the ability to impact on protected groups. In considering the policy underpinning the two schemes, the Department is fully considering the impacts with key business partners, raising equalities considerations in the consultation paper, and taking legal advice as appropriate.

232. The ongoing management of the pension scheme and introduction of a redundancy compensation scheme for firefighters has the ability to impact on protected groups. In considering the policy underpinning the two

## **Grant Formula Distribution**

### ***Evidence***

233. We have used the following to develop the policy;

- Extracts from consultation responses and any follow up with respondents
- Data captured, on population for instance, informs the formula grant calculations.
- Minutes of meetings and notes from stakeholder meetings.
- Legal challenges on specific issues.

234. Interim assessment concluded that if any changes in Formula Grant funding cannot be met through local authorities making efficiencies, pooling resources or other means, then services may have to be decommissioned, re-modelled or scaled back. This would impact on those who currently receive services. The exact impact at the local level will depend on local authority decision making

### **Limitation of Data/Information**

235. We are not aware of any gaps in equalities data.

### **Full Equality Impact Assessment Conclusion and Mitigations**

236. In order to tackle the budget deficit all Government departments are being required to work within a very tight fiscal settlement. Formula Grant is un-ringfenced, and so spending decisions are made by individual local authorities.

### **Monitoring Proposals**

237. The provisional Local Government Finance Settlement for 2012-13 was announced at the same time as the 2011-12 settlement. The provisional 2012-13 settlement will be consulted on in late 2011 and this provide an opportunity for equality issues to be considered ahead of that financial year

## **Other Known Difference in Need for Those with Protected Characteristics**

### ***Council Tax Referendums***

238. We expect local authorities to mirror (wherever possible) the provisions already in place for local government elections or Mayoral referendums, to ensure access / avoidance of discrimination.

### ***Council Tax Freeze***

239. significant equality issues arising from Council Tax Freeze grant are not anticipated, since it is open to all classes of authority other than parishes and town councils and all areas served by those authorities, but we will keep the issue under review as the local government settlement for 2012-13 develops and provide further advice in due course.

## **Positive impacts on groups with Protected Characteristics**

240. The Government's actions to mitigate the impacts on those worst affected by these reductions:

- Changing the formulae by which Formula Grant is distributed so that more attention is given to the levels of need in the area, and less money is distributed on a per head basis
- Instead of just a single floor councils have been grouped into four bands with four different floors. These bands are based on the percentage of the budget that the authority receives from central government formula grant
- Providing a further £96 million in 2011-12 and £21 million in 2012-13 shared between the councils who would otherwise have seen the sharpest falls in their spending power.



## Section 9: Local Government Policy

241. Local Government Policy is responsible for the following policy areas:

- Weekly Collection Support Scheme
- Community Budgets and Local Delivery
- Accountability and Transparency:
  - Voluntary and Community Sector
  - Sector-led Improvement
  - Accountability System Statement
  - Corporate Transparency
  - Comparable Local Performance Data
  - Creating and maintaining the Single Data list
  - To enforce (all of or part of) the Code of Recommended Practice for Local Authorities on Data Transparency through regulations
  - Introduction of a Code of Recommended Practice for Local Authorities on Data Transparency
  - Future of Local Audit

242. Five Equality Impact Initial Screenings were carried out on:

- Weekly Collection Support Scheme
- Work to outsource the Audit Commission's in-house audit practice to the private sector
- Introduction of a Code of Recommended Practice for Local Authorities on Data
- To enforce (all of or part of) the Code of Recommended Practice for Local Authorities on Data Transparency through regulations
- Creating and maintaining the Single Data List

### Evidence Used

243. The following sources of information were used when formulating policies:

- ***Introduction of a Code of Recommended Practice for Local Authorities on Data Transparency*** – The department worked with key partners when drafting the Code, it also consulted with all those

included in the Code and the general public. No concerns were raised and all responses were published

- ***To enforce (all of or part of) the Code of Recommended Practice for Local Authorities on Data Transparency through regulations*** – If Ministers take the decision to make the Code a legal requirement then department will be required to consult
- ***Creating and maintaining the Single Data list*** – The department has published a draft Single Data List on its website and invited comments from local government and the general public. No comments were raised
- ***Comparable Local Performance Data*** – In developing this policy we have been working with local government
- ***Corporate Transparency*** – We do not consider the policy stream requires an initial Equality impact assessment screening at this stage. We will review as policy develops
- ***Accountability System Statement*** – We do not consider this policy stream requires an initial Equality impact assessment screening at this stage. We will review as policy develops
- ***Sector-led Improvement*** – We do not consider this policy stream requires an initial Equality impact assessment screening at this stage. We will review as policy develops
- ***Voluntary and Community Sector*** – We've worked with key partners in taking this forward and will continue to do so. We do not consider this policy stream requires an initial Equality impact assessment at this stage. We will review as policy develops.
- **Future of local Audit -**
  - Data from the Audit Commission about its workforce, broken down by 'protected characteristics' and comparative data on disability, sex, ethnicity and religious distribution of the working age population in England & Wales.
  - Future of local public audits: Summary of report prepared by FTI Consulting Limited
  - DCLG Select Committee report: Audit and inspection of local authorities
  - Public consultation on the Future of Local Audit
  - Engagement workshops with local government.

## **Limitation of Data/Information**

### ***Introduction of a Code of Recommended Practice for Local Authorities on Data Transparency***

244. There were possible issues around digital inclusion as the Code requests all information and data should be made easily accessible to the public online. It was agreed that these issues go broader than transparency policy and were being considered separately within Whitehall. The Code was considered to fit with wider government policy to get everybody online and still does.

## **Impact on Groups with Protected Characteristics**

### ***Future of Local Audit Policy***

245. We consider that the Future of Local Audit policy (abolition of the Audit Commission and development of a new audit framework for local public bodies) will not have a substantial equalities impact on discrimination, fostering good relations or advancing equality of opportunity. The policy is not specifically aimed at any of the Protected Equalities Groups. The most significant impact on individuals is likely to be through the outsourcing of the Audit Commission's practice. The previous Equalities screening identified that the affected employees, insofar as data is available, broadly reflect the composition of the population of England and Wales of working age and that there would be no disproportionate impact on Protected Groups.

### ***Introduction of a Code of Recommended Practice for Local Authorities on Data Transparency***

246. At the time of the initial screening it was considered that there was little evidence to suggest the Code would have an adverse equality impact on the protected group, the consultation confirmed this. Subsequently we agreed it was not necessary to complete a full Equality impact assessment. We will re-consider the as and when the Code is reviewed and possibly amended.

### ***To enforce (all of or part of) the Code of Recommended Practice for Local Authorities on Data Transparency through regulations***

247. The initial screening did not highlight any adverse affects on the protected group. If Ministers take the decision to make the Code a legal requirement then department will be required to consult. If any adverse affects are brought to our attention via consultation then we will complete a full Equality impact assessment.

### ***Creating and maintaining the Single Data List***

248. The list itself does not impact on the protect group. DCLG and the other Whitehall departments we're working with do not consider it necessary to produce a full Equality impact assessment. However if the position alters when publishing the single data list we will re-screen and produce an Equality impact assessment if necessary.

249. At the point of producing this report the following policies streams were not considered to have any specific impact on those with protected characteristics and therefore do not require impact assessments. However, this will be kept under review as individual policies develop:

*Comparable local performance data*

*Corporate transparency*

*Accountability system statement*

*Sector-led improvement*

*Voluntary and community sector*