



Department for
Communities and
Local Government

Lifetime tenancies

Equality impact assessment



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Equality Statement

Policy and Service Analysis Template for considering Equalities for section 149 of the Equality Act 2010 or the public sector equality duty

1. Name of Directorate
Housing Standards and Support
2. Please list all the policy streams in your business area.
<p>The Housing and Planning Bill contains provisions to deliver on the commitment in the July 2015 Budget to review the use of lifetime tenancies with a view to limiting their use.</p> <p>The main aims of the policy are to:</p> <ul style="list-style-type: none">• improve landlords' ability to get the best use out of social housing by focusing it on those who need it the most for as long as they need it• ensure that those who need long term support are provided with more appropriate tenancies as their needs change over time• support households to make the transition into home ownership where they can <p>To deliver the policy, the legislative changes will:</p> <ul style="list-style-type: none">• require local authorities to grant future tenants fixed term tenancies and carry out a review of the tenant's circumstances at the end of the fixed term• protect the security of existing lifetime tenants who remain in their homes• guarantee that existing lifetime tenants who are moved by the local authority (at the authority's behest) into a new council home are granted a further lifetime tenancy• require local authorities to grant existing lifetime tenants who choose to move a fixed term tenancy, except in limited circumstances, such as where they are moving for work or downsizing to a smaller social home <p>Fixed term tenancies will have:</p> <ul style="list-style-type: none">• a minimum term of 2 years• a maximum permitted term of 10 years, or longer to cover the period that a child is in school education (up to the time the child turns 19 years old)¹ <p>Statutory guidance will set out the circumstances in which local authorities will be expected to use tenancies of different lengths. 5 years will be the normal maximum (for households without children of school age), with 10 years applicable for those with longer term needs, such as older people, the disabled and their carers.</p>

¹ Amendments were made to the Bill at Lords Third Reading to extend the maximum fixed term which had previously been set at 5 years.

The legislation will also makes changes to the rules governing succession so that:

- local authority tenancies include a right to one succession for spouses and partners, who may continue to succeed to a lifetime tenancy
- local authority landlords may grant additional succession rights but where the tenant had a lifetime tenancy, successors will only be given a 5 year fixed term tenancy

In the housing association sector this policy will continue to be voluntary.

Since April 2012, councils and housing associations have been able to offer fixed term tenancies (of a minimum of 5 years, or 2 in exceptional circumstances) alongside lifetime tenancies. However, landlords are not making effective use of this new flexibility. Instead, the majority of new social housing tenancies continue to be offered on a lifetime basis (in 2014/15, only 15% of social housing tenancies were let on a fixed term basis), meaning tenants will have the right to live in their social home for the rest of their lives (provided they keep to the conditions of their tenancy), regardless of how individuals' and households' circumstances may change in the future. In some cases these tenancies can be inherited by family members, who may be in no housing need.

Continuing to provide lifetime tenancies to households that may only experience temporary need compounds the situation that sees 1.24 million households on social housing waiting lists, and 247,000 social tenants forced to live in overcrowded conditions due to lack of suitably sized properties, whilst 338,000 households occupy social housing with two or more spare bedrooms.

3. Identify any policy streams aimed at or impacting upon a Protected Group.

The policy will apply to all new and most existing social housing tenants. In 2014/15, 61% of all lettings were to households new to social housing, while 39% were to tenants already housed in the sector.

The policy is not aimed at any of the protected groups and should not have a direct impact overall on the take up of social housing by any particular protected group. There may be a potential for the policy to impact indirectly on certain individuals or groups with a particular protected characteristic.

As the measure is intended to enable more efficient use of the social housing stock, it should enable more individuals across all the protected groups to access social housing. It should also help to ensure that the housing allocated to those with longer term but evolving housing needs is more appropriate to their changing circumstances.

Age

Older people

Existing social tenants – and those moving within the sector – tend to be older than new tenants. In 2013/14, 36% of households with a social tenancy had a household reference person aged 60 or over. In 2014/15, 13% of lettings to tenants new to social housing and 23% of lettings to existing social tenants were to people aged 60 or older.

Older people are much more likely to under-occupy their social home. 58% of under-occupying social rented households had a household reference person aged 60 or

over, compared to 36% of social rented households overall. CORE lettings data record the main reason tenants gave for leaving their last settled home: 8% of existing social tenants gave under-occupation as their main reason, 26% of whom were aged 60 or over.

We expect that many older people will benefit from longer fixed term tenancies (of up to 10 years). Fixed term tenancies will make it easier for social landlords to support older tenants move to more manageable sized accommodation, freeing up larger homes for families. Where older tenants with lifetime tenancies choose to downsize, they will not be adversely affected by the proposed reforms, as they will retain their lifetime tenancy if they move to a smaller social property once children have left home.

Family Test

Overall, 34% of lettings to new and existing tenants were to households with children.

In 2013/14, 17% of existing social tenants were single parent households, in comparison with the 7% in the general population. In addition, 20% of lettings to tenants new to social housing and 17% of lettings to existing social housing tenants were to single parents with children.

We expect that families with children of school age will benefit from the additional flexibility to offer tenancies that cover the time a child is in secondary school education.

Over time, the changes should increase headroom in the social sector stock as tenants who no longer need social housing move out at the end of the fixed term and those who are under-occupying their homes are assisted to move into more appropriately sized accommodation. This increased headroom should benefit overcrowded families with children, who represent 85% of all overcrowded households in social housing.

Younger people

Younger people are overrepresented in social housing lettings compared to other age groups: 21% of lettings were made to people aged 18 to 24. There is a potential for them to benefit from the increased freedom for landlords to offer shorter term tenancies (ie between 2 and 5 years), where for example landlords use them to support young people into work.

Disability

In 2013/14, 50% of existing social rented households had at least one person with a disability, in comparison with 30% of households in the general population. The increased availability of new social lettings as a result of this policy is likely to benefit people with a disability more than the population at large.

We expect that those with longer term needs because of a disability or long term illness would be offered longer fixed term tenancies of up to 10 years, and would be offered a further social tenancy at the end of the fixed term, if their circumstances had not changed significantly. The end of tenancy review will ensure that landlords consider carefully tenants' continuing housing needs and can move them to more suitable accommodation where this is appropriate. This is likely to be particularly beneficial for those with access needs who may need to move to adapted accommodation. 23% of lettings to existing tenants had at least one person in the household who had some form of disability requirement.

Race

Lettings to ethnic minority households comprised 16% of all lettings in 2014/5, 15% of households in the social rented sector had an ethnic minority household reference person, compared to 11% of all households.

Creating more headroom in the social rented stock generally, and better matching property and household size, should benefit people from ethnic minority communities who are overrepresented in social housing and letting compared to the population generally.

Households with a Black or Pakistani/Bangladeshi household reference person represent 14% and 9% of all overcrowded households in social housing, compared to 7% and 2% of households in social housing overall. In 2014/15 ethnic minority households represented 33% of homelessness acceptances: Black/Black British represented 16% and Asian/Asian British 9%.

Sex

Among all social rented households, there were 56% with a woman as household reference person, compared with 40% of all households. In mid-2014, the population of England consisted of 51% women and 49% men.

The increased headroom in the social rented stock is likely to benefit women who are over-represented in social housing and lettings compared to the population as a whole.. 54% of lettings to tenants new to social housing and 59% of lettings to existing social housing tenants were to females (person 1).

Other equalities groups

We do not consider that the proposals will have a differential impact on the basis of pregnancy and maternity, gender reassignment, sexual orientation, or religion or belief.

4. Who has responsibility for developing these policies?

Frances Walker, DCLG

5. Are there any EU or other statutory regulations that need to be adhered to regarding equalities?

Local authorities are subject to the public sector equality duty in s.149 of the Equality Act 2010.

6. The following summary will be analysed and used as evidence which you considered in demonstrating due regard to the Public Sector Equality Duty and section 149 of the Equality Act 2010. Have you used information from any of the following sources when developing policies?

Continuous Recording of Lettings (CORE)
English Housing Survey

7. Have you discovered any of the following and as a consequence taken actions on identified equality issues?

There is no evidence to suggest that the proposed changes would have a substantial adverse equality impact on any of the protected groups. Please refer to comments in section 3.

We recognise, however, that there could be adverse impacts on individuals where a social landlord decides not to renew a fixed term tenancy or where the individuals are concerned that this may be the case.

Social landlords will be able to continue to provide an appropriate level of stability to disabled people, to older people and to families with children, through the grant of longer fixed term tenancies, as well as the grant of a further social tenancy (whether in the same or a different social home) where there is an ongoing need for social housing. However, we recognise the importance of providing central protections. We are therefore legislating to require that:

- landlords carry out a review of the tenant's circumstances 9 – 6 months before the end of the fixed term period to actively consider whether the tenant has a continuing need for social housing including whether they need to move to a different social home.
- landlords – where they decide to terminate the tenancy - must offer advice on buying a property or other housing options as appropriate so that tenants have sufficient time to consider their options and plan accordingly before the tenancy comes to an end
- tenants have a right to require the landlord to reconsider any decision taken as a result of the new review

We will issue guidance to local authorities on the factors which we expect them to take into account when carrying out the review at the end of the fixed term.

8. When your policies are finally implemented which groups are most likely to benefit?

The policy should have benefits for the wider community by ensuring a fair distribution of a limited, subsidised resource. However, it is not anticipated that any of the protected groups will benefit disproportionately.

9. In considering the above information have any gaps in data or equalities information been identified?

The Department does not collect lettings data in relation to an applicant's religion or belief, or gender reassignment.

10. Overall, can you make an assessment of the potential of this policy; programme/service to have a substantial equalities impact on discrimination, fostering good relations or advancing equality of opportunity? Please try to limit your answer here to less than an A4 page.

Our assessment is that:

- all the protected groups should benefit from better use of the social rented stock and from the regular assessment of tenants' circumstances that should ensure a better fit between the household and their social home
- while there may be some impacts for some individuals or groups with a particular protected characteristic where a landlord does not renew a fixed term tenancy, the policy will not have a substantial impact on discrimination overall
- ensuring a fairer distribution of social housing should be positive in terms of fostering good relations and advancing equality of opportunity.

While it is possible that there may be some negative impacts on some members of protected groups, for instance increasing concerns about future security of tenure where their housing need is marginal, this is outweighed by the wider benefits to protected groups as a whole – all the protected groups should benefit from better use of the social rented stock and from the regular assessment of tenants' circumstances that should ensure a better fit between the household and their social home.

The extent of any potential impact for particular individuals or groups with a particular protected characteristic will be largely determined by local circumstances, including: the individual landlord's tenancy policy and in particular the length of tenancies granted to different types of household; and the supply, demand, and need for social housing in the local area.

This analysis was undertaken by (name)

Advice sought from (Name of equality Champion or other Colleagues)

Name/Title	Frances Walker		
Directorate/Unit	Better Rented and Leasehold Sector	Lead contact	Frances Walker
Date	Completed 27/11/2015 Reviewed (to reflect new published data) 17/3/2016 Reviewed (to reflect amendments made during passage of the Housing and Planning Bill) 04/05/2016		

SCS Sign off Sally Randall (Director)

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the

Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

Please keep a record of this analysis for audit purposes and send a copy to errol.barnett@communities.gsi.gov.uk for his records

Equality Duty Flow Chart



