

Equality Impact Assessment  
 Corporate Assessment Template

**Policy/Strategy/Project/Procedure/Service/Function Title:**
**Implementing Part 2 of the Housing (Wales) Act 2014**
**New/Existing/Updating/Amending:** New

**Who is responsible for developing and implementing the Policy?**

Name: Sarah McGill

 Job Title: Director for Communities, Housing &  
 Customer Services

Service Team: Policy &amp; Development

Service Area: Communities – Housing &amp; Communities

Assessment Date: March 2015

**1. What are the objectives of the Policy?**

1. Part 2 of the Housing Wales Act 2014 comes into force on 27<sup>th</sup> April 2015, and sets out the duties of local authorities to assist those facing homelessness. This new legislation requires local authorities to do more to help households to prevent homelessness and to find alternative accommodation. For the first time the legislation allows local authorities to use the private rented sector to discharge its homeless duties. Funding has been provided to assist with the implementation of the new legislation.
2. The new act places a duty on authorities to carry out a homelessness review and formulate a homelessness strategy in 2018 and every 4 years thereafter. Cardiff currently has a homelessness strategy and it is proposed to update this during the current year. Although the new duty does not come into force until 2018 it is proposed to take into account the new guidelines, wherever possible, when carrying out the current review.

**Homelessness Duties**

3. The duties under the new act have been extended to include a wider advice and prevention role for households who are homeless or at risk of becoming homeless.
4. The Council will have a duty to:
  - Provide information, advice and assistance for all people with a local connection to the area.
  - Provide help to prevent homelessness and help to secure accommodation. This duty applies to all households other than some persons from abroad.
  - Provide accommodation for applicants in priority need. This duty is similar to the current requirement and applies only to those in the priority need categories such as pregnant women, those with dependent children and those with physical or mental disabilities. Prison leavers are no longer regarded as in priority need unless they are vulnerable. A full list of the priority need categories is set out at Appendix A.

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**Information, Advice & Assistance**

5. Information to assist those facing homelessness is already provided through the Cardiff housing website and the Housing Options service. This information is currently being reviewed and improved in preparation for the new duties. The advice available through the Hubs will also be improved and will be provided alongside information on the social housing allocation policy to give more holistic approach.

**Help to Prevent Homelessness and Secure Accommodation**

6. Currently the Council's Housing Options Centre assists approximately 100 people each week who are seeking assistance regarding their housing situation and potential homelessness. Advice and mediation services to prevent homelessness are part of current service provision. Help for people without priority need to secure accommodation is provided through assistance with bonds for private rented properties and access to Hostel accommodation via a multi agency Gateway.
7. To respond to the increased demands of the Act a new Housing Solutions Team is being created within the Housing Options Centre to improve prevention services and to encourage private sector landlords to let their properties to homeless households.
8. The service currently operates a bond scheme and this will be extended using the funding provided by the Welsh Government. Additionally other options for extending the bonds are being investigated by reviewing best practice from other authorities.
9. In addition work will be undertaken to better co-ordinate floating support and supported housing to ensure it is focused on helping those most in need.

**The provision of accommodation for those in priority need**

10. At present, where a person is assessed as in priority need, the Council's homeless duty can only be met by providing social housing, i.e. a Council or Housing Association property. Priority need categories are listed below:
  - a. A pregnant woman;
  - b. A person with whom a dependent child resides;
  - c. A person who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability);
  - d. A person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster
  - e. A person who is homeless as a result of being subject to domestic abuse;
  - f. A person who is aged 16 or 17;
  - g. A person who has attained the age of 18, but not the age of 21, who is at particular risk of sexual or financial exploitation;

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- h. A person who has attained the age of 18, but not the age of 21, who was 'Looked After', accommodated or fostered at any time while under the age of 18;
  - i. A person who has served in the regular armed forces of the Crown who has been homeless since leaving those forces;
  - j. A person who has a local connection with the area of the Local Housing Authority and who is vulnerable as a result of one of the following reasons:
    - i. Having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000,
    - ii. Having been remanded in or committed to custody by an order of a court, or
    - iii. Having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
11. Due to the shortage of social housing in the city homeless households can spend a long time in temporary accommodation waiting to be housed. This puts pressure on the Council's supply of temporary accommodation. There are currently 567 (Feb 2015) homeless households accommodated in temporary accommodation waiting to be housed.
12. Homeless households are often housed in a property that is not close to their support networks due to the lack of availability of social housing stock and high demand in many areas of the city.
13. Due to the need to give homeless households priority for social housing 40% of all available social lets are allocated to homelessness cases reducing the properties available for those on the Common Waiting list. There are currently 8,605 households registered on the list, many have significant levels of housing need and face long waiting times.
14. Under the new act, using the private rented sector to discharge the Council's duty to those in priority need becomes an option for the first time. Use of private sector properties, if used effectively, could help alleviate the issues caused by lack of social housing.

#### **Proposed approach to use of private rented properties**

15. It is proposed that the Council does make use of private rented properties to discharge its homeless duty subject to careful consideration of the needs of the individual and suitability of the property.
16. Each applicant would be assessed on an individual basis for their suitability for private rented accommodation, including factors such as their physical, mental and emotional health needs, their location preference and their previous tenancy history.

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17. A financial assessment will be carried out to ensure that any tenancy offered is affordable. Any private sector properties that are made available will be at Local Housing Allowance rates and so will be affordable to those on benefits.
18. The officers at the Housing Options Service will in effect offer an 'accommodation finder service', looking to see if a property is available that meets the individual needs of the household, whether in the social or private sector.
19. Housing Solutions officers will visit each private sector property to check on the quality of accommodation to be offered, including compliance checks under the Housing Health and Safety Rating System. Inventories will be taken to ensure and validate any future claims on bonds.
20. The Housing Solutions service will also offer the private landlord an ongoing service and single point of contact to help resolve any issues with the tenancy that might arise.
21. Only tenancies which will last at least six month will be considered appropriate. Where possible the landlord will be encouraged to offer a longer term at the outset.
22. It is proposed that use of the private rented sector will generally be considered for all applicants, the following groups will not normally be offered private accommodation:
  - where a person requires specialist supported accommodation
  - Where a household needs specific adaptations to their property due to infirmity, disability or life-limiting illness
  - People aged 16 or 17 years
23. For those with a limited 'leave to remain' decision, these households will predominantly be offered private sector accommodation due to the uncertainty over their length of stay in the country.

**Households who have made themselves intentionally homeless**

24. The new Act gives local authorities the option to continue to assess whether the applicant is intentionally homeless and to take this into account in determining whether they should be provided with accommodation.
25. While it is not envisaged that this power would be used in a large number of cases (only 5% of homeless cases were found to be intentionally homeless in 2014) it is still considered important that this remains an option.

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26. Consideration of intentionality works as a deterrent to households to discourage them from giving up accommodation which is suitable for their needs. It also deters behaviour which could lead to loss of accommodation such as deliberately failing to pay the rent or serious antisocial behaviour. It recognises the expectation that, where possible, people should take responsibility for their actions.
27. To continue to consider “Intentionality” the Council must notify the Welsh Government and publish which priority need categories the ‘intentionality test’ will be applied to. These categories are set out in appendix A
28. It is proposed that intentionality should be considered for all of the priority need categories with the exception of 16/17 year olds, who it is felt cannot be deemed responsible for any loss of previous accommodation.
29. Each case will be considered carefully on an individual basis to ascertain whether the loss of tenancy was really deliberate and to identify any mitigating factors which should be taken into account such as whether they had unmet support needs which resulted in difficulty sustaining the tenancy or whether failure to pay rent was a result of financial difficulties beyond the applicants control.
30. If found intentionally homeless the Council will not have a duty to provide accommodation however will still have a duty to provide advice and assistance and also help to secure accommodation. The Council will also be need to provide temporary accommodation while the applicant seeks their own accommodation.

**2. Please provide background information on the Policy / Strategy / Project / Procedure / Service / Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]**

The housing Options Centre sees 100 clients a week. Most of these clients are vulnerable in some way.

There were 567 households in temporary accommodation in February 2015. Under the legislation priority is given to certain of the protected groups including:

- A pregnant woman;
- A person with whom a dependent child resides;
- A person who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability);
- A person who is homeless as a result of being subject to domestic abuse;
- A person who is aged 16 or 17;

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- A person who has attained the age of 18, but not the age of 21, who is at particular risk of sexual or financial exploitation;
- A person who has attained the age of 18, but not the age of 21, who was 'Looked After', accommodated or fostered at any time while under the age of 18;

However under the new legislation the duties to the wider population are increased and the council must offer advice and assistance, prevention activity and help to secure accommodation to all.

In 2013/14 73% of homeless applicants declared that they were white British compared 27% declaring a range of different ethnicities with the largest single group being "Any other white background" closely followed by "African". Of priority groups helped the largest single group was those with dependent children who made up 21.9%, 10.7% were young people, 3.3% were suffering from a physical illness and 3.4% a mental illness. Only 0.5% were recorded as priority need purely due to old age.

Some persons from abroad do not qualify for any help other than advice, information and assistance. The prevention duty does not apply. There remain homelessness issues around people with no recourse to public funds and in particular an issue with rough sleeping. Information and advice is given to this group with assistance from the Councils partner organisations.

### 3 Assess Impact on the Protected Characteristics

#### 3.1 Age

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive / negative]** on younger / older people?

	Yes	No	N/A
Up to 18 years	✓		
18 - 65 years	✓		
Over 65 years	✓		

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

Of priority groups helped the largest single group was those with dependent children who made up 21.9%, 10.7% were young people.

In addition to advice and assistance, 16/17 year olds have access to a specialist mediation service which will attempt to ensure that these young people remain in the family home if it is safe and practical for them to do so. Where this is not possible it is likely that such young people will normally be offered social housing as a final solution to their homelessness, rather than accommodation in the private rented sector. 16/17 year olds will not be considered as Intentionally homeless.

All other age groups will be offered the full range of homelessness prevention options

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and assistance with accommodation and their individual needs will be fully taken into account when considering appropriate accommodation solutions.

**What action(s) can you take to address the differential impact?**

Ensure any new staff are fully trained on equality issue  
Ensure that equality issues are considered in all new procedures.

**3.2 Disability**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [negative]** on disabled people?

	Yes	No	N/A
Hearing Impairment	✓		
Physical Impairment	✓		
Visual Impairment	✓		
Learning Disability	✓		
Long-Standing Illness or Health Condition	✓		
Mental Health	✓		
Substance Misuse	✓		
Other			

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

The following groups are treated as a priority under the homeless legislation.

- A person who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability);

3.3% of priority need applicants in 2013/14 had physical disability and 3.4% a mental illness /learning disability.

Private sector accommodation will be considered for all applicants however it has been accepted that this is unlikely to be appropriate for some cases including:

- Where a person requires specialist supported accommodation
- Where a household needs specific adaptations to their property due to infirmity, disability or life-limiting illness

Intentionality will continued to be considered for all cases regardless of disability however full consideration will be given to the circumstances including any unmet support needs and financial difficulties.

People with a disability will be provided with additional assistance in discussing their housing needs. The Housing Options Centre was built to specifically cater for those with disabilities and staff have been trained on equality issues.

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Some applicants may need temporary or permanent accommodation which is specifically adapted to meet their needs due to disability or health issues, or which meets other requirements such as the need for ground floor accommodation / level access. The provision of effective housing options advice will ensure that applicants with specific needs are assisted appropriately (including registration with the Cardiff Accessible Homes Scheme for adapted accommodation).

**What action(s) can you take to address the differential impact?**

Ensure any new staff are fully trained on equality issue  
Ensure that equality issues are considered in all new procedures.

**3.3 Gender Reassignment**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive]** on transgender people?

	Yes	No	N/A
<b>Transgender People</b> (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex)		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

Transgender individuals will be assisted under the same principles being applied to all client groups under this proposal.

**What action(s) can you take to address the differential impact?**

**3.4. Marriage and Civil Partnership**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive / negative]** on marriage and civil partnership?

	Yes	No	N/A
Marriage		✓	
Civil Partnership		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

No differential impact identified

**What action(s) can you take to address the differential impact?**

**3.5 Pregnancy and Maternity**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive / negative]** on pregnancy and maternity?



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	Yes	No	N/A
Pregnancy	✓		
Maternity	✓		

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

Pregnant women are one of the protected categories under the homeless legislation. In 2013/14 8.1% of households were considered in priority need due to pregnancy. Private sector accommodation would be considered suitable for pregnant women subject to full assessment of their individual needs. They will also be considered for intentionality however again the full circumstances of the case will be considered.

**What action(s) can you take to address the differential impact?**

No new actions identified

**3.6 Race**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive / negative]** on the following groups?

	Yes	No	N/A
White		✓	
Mixed / Multiple Ethnic Groups		✓	
Asian / Asian British		✓	
Black / African / Caribbean / Black British		✓	
Other Ethnic Groups		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

In 2013/14 73% of homeless applicants declared that they were white British compared 27% declaring a range of different ethnicities with the largest single group being “Any other white background” closely followed by “African”.

Under the new proposals more advice will be provided in the Hubs. This will have a positive impact on ethnic minority applicants as services in the Hubs are tailored to the specific populations that they serve, the staff within the Hubs speak a range of languages including eastern European and Somali / Arabic which are the most popular languages.

The legislation excludes some persons from abroad from help under the new legislation; however this impacts on any groups without recourse to public funds and is not specific to any particular racial groups. Where the applicant has limited leave to remain consideration will be given to providing accommodation in the private rented sector rather than social tenancy due to the uncertainty over length of stay, however all circumstances will be taken into account and where appropriate a social housing tenancy will be provided to those with limited leave.

Staff within the service are fully trained on equality issues.

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<b>What action(s) can you take to address the differential impact?</b>
Ensure new staff are fully trained on equality issues

**3.7 Religion, Belief or Non-Belief**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [negative]** on people with different religions, beliefs or non-beliefs?

	Yes	No	N/A
Buddhist		✓	
Christian		✓	
Hindu		✓	
Humanist		✓	
Jewish		✓	
Muslim		✓	
Sikh		✓	
Other		✓	

<b>Please give details/consequences of the differential impact, and provide supporting evidence, if any.</b>
No impact identified
<b>What action(s) can you take to address the differential impact?</b>

**3.8 Sex**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive / negative]** on men and/or women?

	Yes	No	N/A
Men		✓	
Women		✓	

<b>Please give details/consequences of the differential impact, and provide supporting evidence, if any.</b>
No impact identified
<b>What action(s) can you take to address the differential impact?</b>

**3.9 Sexual Orientation**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive]** on the following groups?

	Yes	No	N/A
Bisexual		✓	

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Gay Men		✓	
Gay Women/Lesbians		✓	
Heterosexual/Straight		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

No Impact identified

**What action(s) can you take to address the differential impact?**

**3.10 Welsh Language**

Will this Policy / Strategy / Project / Procedure / Service / Function have a **differential impact [positive / negative]** on Welsh Language?

	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Welsh Language		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

The proposals will not affect anyone's right to have a service delivered in the Welsh language should they request it.

**What action(s) can you take to address the differential impact?**

N/A

**4. Consultation and Engagement**

What arrangements have been made to consult/engage with the various Equalities Groups?

N/A

**5. Summary of Actions [Listed in the Sections above]**

<b>Groups</b>	<b>Actions</b>
Age	
Disability	
Gender Reassignment	
Marriage & Civil Partnership	
Pregnancy & Maternity	
Race	
Religion/Belief	
Sex	
Sexual Orientation	
Welsh Language	

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Generic Over-Arching [applicable to all the above groups]	Ensure all new staff are training on equality issues Ensure all new procedures fully take into account equality issues.
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#### 6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

#### 7. Authorisation

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

Completed By : Jane Thomas	Date:
Designation: Assistant Director Housing and Communities	March 2015
Approved By: Sarah McGill	
Designation: Director of Communities, Housing and Customer Services	
Service Area: Communities	

- 7.1 On completion of this Assessment, please ensure that the Form is posted on your Directorate's Page on CIS - *Council Wide/Management Systems/Equality Impact Assessments* - so that there is a record of all assessments undertaken in the Council.

For further information or assistance, please contact the Citizen Focus Team on 029 2087 3059 or email [citizenfocus@cardiff.gov.uk](mailto:citizenfocus@cardiff.gov.uk)