

IMPLEMENTING PART 2 OF THE HOUSING WALES ACT 2014

**REPORT OF DIRECTOR OF COMMUNITIES, HOUSING &
CUSTOMER SERVICES**

AGENDA ITEM: 9

**PORTFOLIO: HEALTH, HOUSING & WELLBEING (COUNCILLOR SUSAN
ELSMORE)**

Reason for this Report

1. To outline the approach being taken to comply with the requirements of the Housing Wales Act 2014 with regard to homelessness.
2. To agree the way forward in relation to the use of private rented properties in meeting the Council's homelessness duty and to agree how to treat households who have made themselves intentionally homeless.

Background

3. Part 2 of the Housing Wales Act 2014 comes into force on 27th 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.

Issues

Homelessness Strategy

4. 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

5. 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.
6. 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.

Information, Advice & Assistance

7. 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

8. 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.
9. 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.
10. 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.
11. 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

12. 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.
13. 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 572 homeless households accommodated in temporary accommodation waiting to be housed.
14. 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.
15. 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.
16. 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

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. Only tenancies which will last at least six months will be considered appropriate. Where possible the landlord will be encouraged to offer a longer term at the outset.
24. 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
25. 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

26. 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.
27. 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.
28. 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.
29. 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
30. 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.
31. 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.

32. 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 need to provide temporary accommodation while the applicant seeks their own accommodation.

Reason for Recommendations

33. To agree the approach to be taken to the implementation of the new homelessness legislation. The decision to consider intentionality in making homeless decisions must be forwarded to the Welsh Government and published on the Council's website 14 days before it can be brought into force.

Financial Implications

34. The Welsh Government has made available transitional funding for the implementation of the new homelessness legislation under the Housing Wales Act 2014. This funding is for the 3 year period 2015/16 to 2017/18 and the grant award for Cardiff for 2015/16 has been confirmed as £520,714. It is proposed that this grant will be utilised to meet all costs of the new responsibilities including additional staffing resources and the payment of bonds and other measures.

Legal Implications

35. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.
36. The Council may not have regard to intentionality, unless it has decided to have regard to one or more of the categories of applicants of applicants specified by Welsh Ministers in Section 78(1) of the Housing Wales Act 2014.
37. When discharging a housing function to secure that accommodation is available for an applicant who is homeless, or threatened with homelessness, a local authority must ensure that is suitable.
38. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the

need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are:

- Age
- Gender reassignment
- Sex
- Race – including ethnic or national origin, colour or nationality
- Disability
- Pregnancy and maternity
- Marriage and civil partnership
- Sexual orientation
- Religion or belief – including lack of belief

As such a decision to implement the proposal has to be made in the context of the Council's equality act public sector duties.

39. The report identifies that an Equality Impact Assessment has been carried out and is appended at Appendix B. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty.
40. The decision maker must have due regard to the Equality Impact Assessment in making its decision.
41. The decision maker must also have regard to certain other matters when making its decision as outlined in the Statutory Screening tool. The decision maker is therefore referred to the Screening Tool attached at Appendix C.

HR Implications

42. There are no direct human resources implications.

RECOMMENDATIONS

Cabinet is recommended to approve the approach to implementing the homelessness legislation contained within the Housing Wales Act 2014 as outlined in this report with effect from 27th April 2015.

SARAH MCGILL

Director

27 March 2015

The following appendices are attached:

- Appendix A - Priority Need Group
- Appendix B – Equality Impact Assessment
- Appendix C – Statutory Screening Tool

Priority Need Categories

The following categories of applicants fall within the priority need categories:

- 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 or threatened with homelessness as a result of an emergency such as flood, fire or other disaster
- A person who is homeless as a result of being subject to domestic abuse;
- A person who is aged 16 or 17;
- 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;
- A person who has served in the regular armed forces of the Crown who has been homeless since leaving those forces;
- 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.



**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 & Development

Service Area: Communities – Housing & 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 27th 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.

**Equality Impact Assessment
Corporate Assessment Template**

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;

**Equality Impact Assessment
Corporate Assessment Template**

- 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.

**Equality Impact Assessment
Corporate Assessment Template**

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.

**Equality Impact Assessment
Corporate Assessment Template**

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;

Equality Impact Assessment Corporate Assessment Template

- 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

Equality Impact Assessment Corporate Assessment Template

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.

Equality Impact Assessment Corporate Assessment Template

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
Transgender People (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?

**Equality Impact Assessment
Corporate Assessment Template**

	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.

Equality Impact Assessment Corporate Assessment Template

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

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?

3.8 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		✓	

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?

3.9 Sexual Orientation

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

	Yes	No	N/A
Bisexual		✓	

Equality Impact Assessment Corporate Assessment Template

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?

	Yes	No	N/A
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]

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

Equality Impact Assessment Corporate Assessment Template

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.
---	--

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

Cardiff Council

Statutory Screening Tool Guidance

If you are developing a strategy, policy or activity that is likely to impact people, communities or land use in any way then there are a number of statutory requirements that apply. Failure to comply with these requirements, or demonstrate due regard, can expose the Council to legal challenge or other forms of reproach.

For instance, this will apply to strategies (i.e. Housing Strategy or Disabled Play Strategy), policies (i.e. Procurement Policy) or activity (i.e. developing new play area).

Completing the Statutory Screening Tool will ensure that all Cardiff Council strategies, policies and activities comply with relevant statutory obligations and responsibilities. Where a more detailed consideration of an issue is required, the Screening Tool will identify if there is a need for a full impact assessment, as relevant.

The main statutory requirements that strategies, policies or activities must reflect include:

- **Equality Act 2010 - [Equality Impact Assessment](#)**
- **Welsh Government's [Sustainable Development Bill](#)**
- **Welsh Government's Statutory Guidance - [Shared Purpose Shared Delivery](#)**
- **[United Nations Convention on the Rights of the Child](#)**
- **[United Nations Principles for Older Persons](#)**
- **[Welsh Language Measure 2011](#)**
- **[Health Impact Assessment](#)**
- **[Habitats Regulations Assessment](#)**
- **[Strategic Environmental Assessment](#)**

This Statutory Screening Tool allows us to meet all the requirements of all these pieces of legislation as part of an integrated screening method that usually taken no longer than an hour.

The Screening Tool can be completed as a self assessment or as part of a facilitated session, should further support be needed. For further information or if you require a facilitated session please contact the Policy, Partnerships and Citizen Focus Team on 02920 72685 e-mail: nwood@cardiff.gov.uk. Please note:

- **The completed Screening Tool must be submitted as an appendix with the Cabinet report.**
- **The completed screening tool will be published on the intranet.**

Statutory Screening Tool

Name of Strategy / Policy / Activity: Implementing Part 2 of the Housing Wales Act 2014	Date of Screening: 16th March 2015
Service Area/Section: Housing & Communities	Lead Officer: Sarah McGill
Attendees:	

What are the objectives of the Policy/Strategy/Project/Procedure/Service/Function	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.]
<p>Part 2 of the Housing Wales Act 2014 comes into force on 27th April 2015 and sets out the duties of local authorities to assist those facing homelessness. This new legislation required 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.</p>	<p>The housing Options Centre sees 100 clients a week. Most of these clients are vulnerable in some way.</p> <p>There were 567 households in temporary accommodation in February 2015. Under the legislation priority is given to certain of the protected groups including:</p> <ul style="list-style-type: none"> • 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; • 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; <p>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.</p> <p>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.</p>

Part 1: Impact on outcomes and due regard to Sustainable Development

Please use the following scale when considering what contribution the activity makes:		
+	Positive	Positive contribution to the outcome
-	Negative	Negative contribution to the outcome
ntrl	Neutral	Neutral contribution to the outcome
Uncertain	Not Sure	Uncertain if any contribution is made to the outcome

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
1.1	<p>People in Cardiff are healthy; <i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> <i>the promotion of good health, prevention of damaging behaviour, promote healthy eating/active lifestyles etc,</i> <i>vulnerable citizens and areas of multiple deprivation</i> <i>Addressing instances of inequality in health</i> 	✓				Good housing is key to Health. The new duties to help more people with homeless will improve outcomes.
1.2	<p>People in Cardiff have a clean, attractive and sustainable environment; <i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> <i>the causes and consequences of Climate Change and creating a carbon lite city</i> <i>encouraging walking, cycling, and use of public transport and improving access to countryside and open space</i> <i>reducing environmental pollution (land, air, noise and water)</i> <i>reducing consumption and encouraging waste reduction, reuse, recycling and recovery</i> <i>encouraging biodiversity</i> 			✓		Any private sector accommodation used for homelessness will be checked by a Housing Solutins Officer
				✓		
				✓		
				✓		
1.3	<p>People in Cardiff are safe and feel safe; <i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> <i>reducing crime, fear of crime and increasing safety of individuals</i> <i>addressing anti-social behaviour</i> 			✓		

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
	<ul style="list-style-type: none"> protecting vulnerable adults and children in Cardiff from harm or abuse 					
1.4	Cardiff has a thriving and prosperous economy; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> economic competitiveness (enterprise activity, social enterprises, average earnings, improve productivity) Assisting those Not in Education, Employment or Training attracting and retaining workers (new employment and training opportunities, increase the value of employment,) promoting local procurement opportunities or enhancing the capacity of local companies to compete 			✓		
1.5	People in Cardiff achieve their full potential; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> promoting and improving access to life-long learning in Cardiff raising levels of skills and qualifications giving children the best start improving the understanding of sustainability addressing child poverty (financial poverty, access poverty, participation poverty) the United Nations Convention on the Rights of a Child and Principles for Older persons 	✓				Good housing is key to achieving potential. The new duties to help more people with homeless will improve outcomes.
1.6	Cardiff is a Great Place to Live, Work and Play <i>Consider the potential impact on</i> <ul style="list-style-type: none"> promoting the cultural diversity of Cardiff encouraging participation and access for all to physical activity, leisure & culture play opportunities for Children and Young People protecting and enhancing the landscape and historic heritage of Cardiff promoting the City's international links 			✓		

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
1.7	Cardiff is a fair, just and inclusive society. Consider the potential impact on	✓				The wider provision of advice and assistance will improve outcomes
	<ul style="list-style-type: none"> the elimination of discrimination, harassment or victimisation for equality groups 					
	<ul style="list-style-type: none"> has the community or stakeholders been engaged in developing the strategy/policy/activity? how will citizen participation be encouraged (encouraging actions that consider different forms of consultation, through more in depth engagement to full participation in service development and delivery)? 			✓		Feedback will be sought from service users as part of the Accommodation an Support Review Programme
	Will this Policy/Strategy/Project have a differential impact on any of the following:					Please give details/consequences of the differential impact (positive and negative), and what action(s) can you take to address any negative implications?
	<ul style="list-style-type: none"> Age (including children and young people aged 0-25 and older people over 65 in line with the United Nations Conventions) 	✓				See EIA
	<ul style="list-style-type: none"> Disability 	✓				See EIA
	<ul style="list-style-type: none"> Gender Reassignment 			✓		See EIA
	<ul style="list-style-type: none"> Marriage & Civil Partnership 			✓		See EIA
	<ul style="list-style-type: none"> Pregnancy & Maternity 	✓				See EIA.
	<ul style="list-style-type: none"> Race 			✓		See EIA
	<ul style="list-style-type: none"> Religion/Belief 			✓		See EIA
<ul style="list-style-type: none"> Sex 			✓		See EIA	
<ul style="list-style-type: none"> Sexual Orientation 			✓		See EIA	
<ul style="list-style-type: none"> Welsh Language 			✓		See EIA	

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
			Yes	No		
	Is a Full Equality Impact Assessment Required?	✓				
	Is a Full Child Rights Impact Assessment Required			✓		
1.8	<p>The Council delivers positive outcomes for the city and its citizens through strong partnerships</p> <p><i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> <i>strengthening partnerships with business and voluntary sectors</i> <i>the collaboration agenda and the potential for shared services, cross-boundary working and efficiency savings</i> 	✓				<p>Partnership working is key to provision of homeless services</p> <p>Supported Accommodation is overseen by the Regional Collaborative Committee</p>

SUMMARY OF APPRAISAL (highlight positive and negative effects of the policy / plan / project being assessed, demonstrating how it contributes to the economic, social and environmental sustainability of the city):

The wider duties under the act will have a positive impact on homelessness and this in turn should improve outcomes across a range of indicators.

WHAT ACTIONS HAVE BEEN IDENTIFIED OR CHANGES BEEN MADE TO THE POLICY / PLAN / PROJECT AS A RESULT OF THIS APPRAISAL:

None however see EIA

Part 2: Strategic Environmental Assessment Screening

		Yes	No
2.1	Does the plan or programme set the framework for future development consent?		✓
2.2	Is the plan or programme likely to have significant, positive or negative, environmental effects?		✓

Is a Full Strategic Environmental Assessment Screening Needed?	Yes	No
<ul style="list-style-type: none"> ▪ If yes has been ticked to both questions 2.1 and 2.2 then the answer is yes ▪ If a full SEA Screening is required then please contact the Sustainable Development Unit to arrange (details below) 		✓

If you have any doubt on your answers to the above questions regarding SEA then please consult with the Sustainable Development Unit on 2087 3228 sustainabledevelopment@cardiff.gov.uk

Part 3: Habitat Regulation Assessment (HRA)

		Yes	No	Unsure
3.1	Will the plan, project or programme results in an activity which is known to affect a European site, such as the Severn Estuary or the Cardiff Beech Woods?		✓	
3.2	Will the plan, project or programme which steers development towards an area that includes a European site, such as the Severn Estuary or the Cardiff Beech Woods or may indirectly affect a European site?		✓	
3.3	Is a full HRA needed?		✓	

Details of the strategy will be sent to the County Ecologist on completion of the process to determine if a Habitat Regulation Assessment is needed. For further information please phone 2087 3215 or email biodiversity@cardiff.gov.uk

Appendix 1 – Statutory Requirements

It is possible that the Impact Screening Tool will identify the need to undertake specific statutory assessments:

- **Equality Impact Assessment:** *This assessment is required by the Equality Act 2010 and Welsh Government’s Equality Regulations 2011.*
- **Sustainable Development Bill:** *The Bill, when it comes into effect, will require sustainable development (SD) to be a central organising principle for the organisation. This means that there is a duty to consider SD in the strategic decision making processes.*
- **Shared Purpose Shared Delivery-** *The Welsh Government requires local authorities to produce a single integrated plan to meet statutory requirements under a range of legislation. Cardiff Council must therefore demonstrate its contribution towards Cardiff’s own integrated plan; “What Matters”.*
- **United Nations Convention on the Rights of the Child:** *The Children Act 2004 guidance for Wales requires local authorities and their partners to have regard to the United Nations Convention on the Rights of a Child.*
- **United Nations Principles for Older Persons:** *The principles require a consideration of independence, participation, care, self-fulfillment and dignity.*
- **The Welsh Language Measure 2011:** *The measure sets out official status for the Welsh language, a Welsh language Commissioner, and the freedom to speak Welsh.*
- **Health Impact Assessment:** *(HIA) considers policies, programmes or projects for their potential effects on the health of a population*
- **Strategic Environmental Impact Assessment:** *A Strategic Environmental Assessment (SEA) is an European Directive for plans, programmes and policies with land use implications and significant environmental effects.*
- **Habitats Regulations Assessment:** *The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 provides a requirement to undertake Habitats Regulations Assessment (HRA) of land use plans.*