

Notice of Variation to Tenancy Agreement 01 December 2014

Equality Impact Assessment

Notice of Variation to Tenancy Agreement

Contact: Dave O'Brien - Housing Services

Updated: 01.12.14

1. What type of proposal / decision is being assessed?

A strategic or service plan

2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

To issue a notice of variation to all our Council Tenants to make changes to the tenancy agreement currently in force. The result being a new Tenancy Agreement issued to ALL Council Tenants in January 2015 coming into effect from 01 April 2015.

The new agreement is required as the old one has been in force for a number of years and is no longer fit for purpose.

The new proposed one is to be an agreement that serves all tenants which sets out in straightforward terms what we are responsible for as a Landlord and what our Tenants are responsible for.

The new draft reflects changes in legislation and best practice along with important new sections headed "Your Tenancy Agreement" and "Enforcement of Tenancy Conditions" take account of the changes.

The section "Your Rent and Other Charges" clarifies other charges that will apply to Tenants who receive Services provided by the Council such as Grounds Maintenance and Communal heating and lighting which it is proposed will be depooled (separated) from an inclusive rent from 01 April 2015.

3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

Yes

4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

(Please refer to section 1 in the toolkit for guidance)

Notice of variation posted to all tenants along with a draft TA comparison with old. Legal opinion has been sought, internally and from external counsel on the proposed changes as well as comparisons with neighbouring authorities to ensure we are making any changes appropriately and correctly.

Consultation will be undertaken with tenants in both general needs and sheltered accommodation. Activities include bilingual mailing pack, proforma with prepaid feedback forms and phone loops. Also 6 drop in sessions throughout September held across the County. Awareness will be created by articles in "Housing News" twitter and facebook campaigns. Initially for the Draft Tenancy which will then have an overlapping communication campaign on Service Charges. Drop ins and newsletters will be repeated for this. The HRAS Steering Group comprising Members and Tenants representatives have been consulted and are involved in the project meetings.

A 9 week consultation has been undertaken and we have received over 500 comments and feedback forms with over 90% confirming they are happy with the changes and 82% stating that they feel any impact will be either none or positive.

Our Allocations Policy already in place allows for no discrimination of any of the protected groups.

Changes proposed in Variation of Tenancy do not discriminate against any tenants or any of the protected groups.

Full range of alternative formats for all consultation documents will be available on request.

Service Charge depooling communication commenced in September alongside the tenancy variation. A separate EIA has been conducted.

The previous agreement was unclear as to rights and responsibilities of both parties. The new one aims clarify these issues on both sides. It will be supported by a separate Tenants Handbook that will provide extra guidance on all sections. This will be completed and distributed in the summer of 2015.

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

(Please refer to section 1 in the toolkit for a description of the protected characteristics)

Yes - Feedback from older tenants indicate that proposals to tackle issues such as anti social behaviour are welcomed.

6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

As would be anticipated given the need to maintain communal shared areas, early

indications show that the level of Service Charges for apartments and sheltered complexes are higher than in general needs accommodation due to the costs of maintaining communal areas. As over 1200 units are designated for older people, then this may have a disproportionate impact upon these tenants

7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.

No	<p>The implementation of Service Charging and issuing of a new Tenancy Agreement is directed at our customers (Council Tenants) who will already consist of protected groups.</p> <p>As highlighted above, Sheltered Schemes are likely to have higher service charges than general needs accommodation. Analysis has been undertaken which indicates that 72% of our Sheltered tenants receive some level of Housing Benefit. At least 95% of Service Charges are likely to be HB/UC eligible. This will be covered in greater detail in the Service Charging EIA however, for year one we are recommending that rents be reduced by the amount of the Service Charge, and hence no additional charges will be incurred over and above the existing rental payments that tenants would make. This will phase in and hence lessen the impact of any changes. Additionally we are commencing a rolling review of all our service contracts, to ensure VFM and this may actually reduce the costs of some services, which will then be passed onto tenants.</p> <p>The proposed changes to the Tenancy Agreement will apply equally to General Needs and Sheltered accommodation. There is nothing discriminatory towards any of the protected groups.</p>
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8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

Yes	<If yes please complete the table below. If no, please explain here>
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Action(s)	Owner	By when?
Consultation on Preliminary Notice incorporating e-briefings, drop in sessions, facebook & twitter, roadshows & newsletters	<Dave O'Brien>	12.10.14
Consider consultation outcomes & amend as required	<Dave O'Brien>	10.11.14
Second phase of communication planned for Service Charging	<Dave O'Brien>	<16.11.14>
<Please describe>	<Enter Name>	<DD.MM.YY>
<Unrestrict editing to insert additional rows>	<Enter Name>	<DD.MM.YY>

9. Declaration

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	<24.10.14>
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Name of Lead Officer for Equality Impact Assessment	Date
Dave O'Brien	19/09/14

Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.
