

Equality Impact Analysis Screening Tool

Section 1: Background information

Name of completing officer	Date of screening
Una Bedford, Strategy & Policy Officer (Place)	20/07/2021
Service area and Directorate responsible	
Housing Options Service, Housing and Regeneration	
Approved by (Director / Head of Service)	Date of approval
Karen Swift, Director of Housing and Regeneration	27/08/2021

The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them
- Fostering good relations between those with ‘protected characteristics’ and those without them

This Equality Impact Analysis provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above. For more information about the Council’s commitment to equality, please visit the Council’s [website](#).

Section 2: Summary of proposal being screened

Name of proposal

Revision of the Homelessness Accommodation Placement Policy (formerly known as the '*Policy for determining the suitability of Temporary Accommodation/Private Rented Sector Offers*' (2015)).

The aims/objectives of the proposal

This policy revises the policy formerly known as the '*Policy for determining the suitability of Temporary Accommodation/Private Rent Sector Offers*' which has not been amended for several years. Since the original policy was written, there has been significant changes in legislation around Homelessness. This includes:

- The Homelessness Reduction Act (2017)
- Homelessness Code of Guidance for local authorities (2018), particularly 'Chapter 17: Suitability of Accommodation'.
- Relevant case law relating to affordability of accommodation in relation to suitability– notably, but not exclusively, the judgement of the Supreme Court in the case of *Samuels v Birmingham City Council* (2019).

The revised Homelessness Accommodation Placement policy takes into account the provisions of the Homelessness Reduction Act (2017) and how the council, as a local housing authority, will allocate accommodation in the private rented sector to prevent and relieve homelessness.

The policy documents the existing approach used to determine what will be taken into account when considering whether accommodation is suitable and how households are prioritised for an in-borough placement of temporary accommodation (TA) or the Private Rented Sector (PRS). Aside from being revised to take into account more recent legislation and caselaw, the revised policy includes an increased number of PRS offers that will be made to applicants and households to prevent or relieve their homelessness which goes above and beyond the statutory minimum. The new offer will introduce a maximum of three offers of settled accommodation within the Private Rented Sector.

The increase in the number of offers in the PRS will assist the current work of the Homelessness Transformation Programme which the Housing Options Service has begun. One of the primary objectives of the Transformation Programme is to increase 'upstream' early homeless prevention and to make greater use of PRS accommodation to reduce the council's reliance on TA.

The London Borough of Tower Hamlets faces acute and high demand for affordable housing but there is not enough supply to meet the demand. This means it is unlikely that officers will be able to place every household in accommodation within the borough. It also depends on the units which are available on a given day - which can vary. The policy will set out that people are placed in the most suitable form of accommodation as quickly as possible - taking into consideration the applicant's housing needs, and range of circumstances, including health, welfare, social, and financial situation as well as the costs that the household will incur.

The high cost and use of temporary accommodation has historically been perpetuated by an expectation among many service users that their homelessness will be resolved through the offer of social housing. The acute shortage of social housing means that this is in many cases an unrealistic possibility. This expectation results in the very low take-up of alternative solutions to prevent and relieve homelessness,

particularly through the Private Rented Sector (PRS), with applicants preferring an offer of statutory temporary accommodation (TA) as an interim home until an offer is made of a social tenancy.

This results in applicants facing long periods in temporary accommodation which not only fails to provide them with any form of long-term secure housing but adds to the budgetary pressures arising from the use of temporary accommodation. The Transformation Programme intends to shift this unrealistic expectation and change the narrative to encourage a greater take-up of accommodation in the PRS by broadening service user's expectations and opportunities by increasing the number of offers made to applicants of accommodation in the PRS.

The council has a statutory duty to provide temporary accommodation to homeless applicants in certain circumstances while assessments take place or while an applicant waits for more suitable accommodation and may also discharge its homelessness duty to households applying under Part VII of the Housing Act (1996) by use of PRS accommodation. The approach means that households should not require temporary accommodation, or only for the minimum necessary duration if unavoidably required, without needing to face repeated moves and ongoing disruption. This approach also minimises the amount of temporary accommodation the council must provide.

The policy continues to have regard to the Homelessness (Suitability of Accommodation) (England) Order (2012) which contains various requirements relating to the suitability of accommodation which must be considered by the council when making an offer of accommodation. This includes consideration of the applicant and their households physical and mental health needs, and emotional well-being.

Generally, the applicants/households who officers work with upstream to prevent homelessness will receive a maximum of 2 offer of PRS accommodation to prevent their homelessness, and a further 1 offer to relieve homelessness should prevention fail. Households already at crisis stage are likely to receive 1 offer, reflecting the urgency of their situation. Homeless households in temporary accommodation owed the 'main homelessness duty' and whose cases were accepted post-Localism Act are entitled to 1 suitable PRS offer through the Localism Act PRSO power (Private Rented Sector Offer).

Individual circumstances are considered in making these offers, including time scale, affordability, household preferences and needs.

This policy provides transparency in decision making and will provide guidelines to officers allocating accommodation to discharge the council's statutory duties to the homeless. We want to ensure people are placed in the most appropriate accommodation that meets their individual needs and supports them to maintain their current education, employment and social networks. It will assist the council in avoiding the difficulties faced by the local authority in the case of *Nzolameso v Westminster City Council* [2015] UKSC 22 in relation to out-of-borough placements.

Section 3: Equality Impact Analysis screening

Is there a risk that the policy, proposal, or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below ?	Yes	No	Comments
<p>Please consider the impact on overall communities, residents, service users and Council employees.</p> <p>This should include people of different:</p> <ul style="list-style-type: none"> ▪ Sex 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The policy makes no specific reference to gender and is unlikely to discriminatorily impact people based on the gender to which they identify. It is not restricted to, or directed at, any particular group of people.</p> <p>In relation to gender, there are a high number of women in the homelessness cohort, e.g. single parents who presented as homeless to the council prior to the pandemic in 2019/20 were nearly exclusively female. In addition the majority of this demand is upstream (56%). This group will therefore be extended the same consideration by way of suitability of offers as a result of the Policy being updated to encompass upstream discharge of HRA duties (the original policy only covered those going into temporary accommodation and those who were owed the main rehousing duty). This group will also benefit from the maximum 3 PRS offers, giving greater choice for those at risk of homelessness – it is intended to improve the outcomes for those homeless applicants who would otherwise have to stay in temporary accommodation for an unsustainable length of time.</p>
<ul style="list-style-type: none"> ▪ Age 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The policy makes no specific reference to age and is unlikely to discriminatorily impact younger/older people.</p> <p>The policy is intended to minimise the length of time both young and old have to spend in temporary accommodation by giving applicants who are homeless or at risk of homelessness greater choice of PRS accommodation to avoid the need to live in temporary accommodation. As of 31st March 2021,</p>

			<p>the council were accommodating 2130 families with children in temporary accommodation.</p> <p>The Policy will be of benefit to households applying upstream because it extends to HRA duty discharge the previous policy, whose provisions on suitability and prioritisation for in-borough placement for example only covered TA allocation and main duty PRS discharge. For example, families with dependent children are twice as likely to apply upstream than at crisis point (in 2019/20, the figure was 399 families applying upstream compared, to 198 at crisis point). This group will also benefit from the maximum 3 PRS offers, giving greater choice for those at risk of homelessness.</p> <p>The policy also sets out how the council will allocate accommodation and takes into account travelling distance to school and also prioritising in-borough placement for example in school exam periods or for safeguarding reasons which may affect both young and old.</p> <p>The Policy is not expected to have an adverse discriminatory impact on older residents. Whilst homelessness in the borough for those 65 and over remains low (2% of new applicants in 2019/20), this group is expected to share in the benefits of the Policy.</p>
<ul style="list-style-type: none"> ▪ Race 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The distribution of homelessness in the borough by ethnic group for new applications before the pandemic in 2019/20 in terms of the largest groups was 42.7% Asian/Asian British, 15.8% white, 13.9% Black/African/ Caribbean/ Black British. Just under 80% of applications in this period were made by UK nationals, 8% by EEA nationals, and 13% by non-EEA nationals.</p> <p>The policy makes no specific reference to ethnicity and is unlikely to discriminatorily impact people based on their ethnicity. In increasing the number of offers in the PRS, the council is creating greater choice for those at risk of or presenting as homeless – it is intended to improve the outcomes for those homeless applicants who may otherwise have to be placed in temporary accommodation for an uncertain length of time. Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move into homes that are suitable and affordable.</p> <p>Language barriers are not impediments to homeless applicants accessing PRS properties since the</p>

			<p>Council procures and offers units directly to homeless applicants, using interpreting and translation services so applicants can communicate their individual needs and circumstances and also undertake the practicalities of viewing and tenancy sign-up. Direct procurement by the council of PRS accommodation for homeless applicants in this respect may offset societal prejudices that may be encountered when looking for a home to rent in the private rental market.</p> <p>Homeless applicants regardless of nationality and ethnic group have been able for many years to access PRS accommodation brokered by the Council, and there is no reason to expect that this will not continue with the update and enhancements to the policy.</p>
<ul style="list-style-type: none"> ▪ Religion or Philosophical belief 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The policy makes no specific reference to faith or philosophical belief and is unlikely to discriminatorily impact people based on religious or philosophical belief. Homelessness in the borough affects groups practicing all the major religions or philosophical beliefs. In addition, whilst infrequent, causes of homelessness can intersect with faith – e.g. loss of accommodation due to inter-generational conflict over religious observance.</p> <p>The cohort, like other groups, will benefit from the choice of the 3 offer PRS policy, particularly when presenting upstream. Those presenting earlier in the customer journey will also receive the same consideration by way of suitability of offers as a result of the Policy being updated to encompass upstream discharge of HRA duties (the original policy only covered those going into temporary accommodation and those who were owed the main rehousing duty). Religious belief will not be a bar to accessing a home in the PRS under the policy since the Council procures and offers units directly to homeless applicants. Direct procurement by the council of PRS accommodation for homeless applicants in this respect offsets and mitigates societal prejudices which some religious groups may encounter when looking for a home to rent in the private rental market. The Council has a long track record of successfully rehousing homeless applicants into the PRS, from all religious backgrounds, and the council will build on this record in taking forward the 3 offer policy. Whilst access to places of worship is not specifically mentioned in the Policy, where placements are out of Tower Hamlets, these generally are in proximity to relevant amenities for worship.</p>

<p>▪ Sexual Orientation</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <p>The policy makes no specific reference to sexual orientation and is unlikely to discriminatorily impact people based on the sexual orientation to which they identify.</p> <p>The distribution of homelessness in the borough by sexual orientation for new applications before the pandemic in 2019/20 was 95% heterosexual, 1.2% gay/lesbian, 3.6% prefer not to say. 2.7% other/ not known. Causes of homelessness can intersect with sexual orientation, e.g. fleeing accommodation due to homophobic harassment or sexual orientation as a factor causing exclusion from the family home. Straight or same sex partners where they constitute a household are treated as part of one single homelessness application and are rehoused together, and therefore will benefit from the criteria on both suitability of offers as well as the number of PRS offers.</p> <p>Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move into homes that are suitable and affordable. In extending the number of offers in the PRS, the council is creating greater choice for those at risk of or presenting as homeless – it is intended to improve the outcomes for those homeless applicants. Direct procurement by the council of PRS accommodation for homeless applicants in this respect may offset societal prejudices same sex couples may encounter when looking for a home to rent in the private rental market.</p>
<p>▪ Gender re-assignment status</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <p>The policy makes no specific reference to gender reassignment and is unlikely to discriminatorily impact people based on this protected characteristic.</p> <p>The policy takes into account individual needs and circumstances when determining what constitutes a suitable accommodation offer of temporary accommodation or of the discharge of the council's duties into PRS accommodation, taking into account the gender assigned to the applicant or a member of their household at the point of decision on a case-by-case basis.</p> <p>Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move into homes that are suitable and affordable. In extending the number of offers in the PRS, the council is creating greater choice for those at risk of or presenting as homeless – it is intended to improve the outcomes for those homeless applicants. Direct procurement by the council of PRS accommodation for homeless applicants also offsets societal prejudices gender re-assigned people may</p>

			encounter when looking for a home to rent in the private rental market.
<ul style="list-style-type: none"> ▪ People who have a Disability (physical, learning difficulties, mental health, and medical conditions) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Loss of accommodation due to a deterioration in health, whether sudden or gradual, is a common cause of homelessness, sometimes coinciding with coming out of hospital after periods of in-patient hospital treatment. In addition, around half of all homeless households applying to the council for assistance before the pandemic in 2019/20 had a support need. A history of mental health problems and physical health or disability accounted for 23% and 19% of the support needs of this group respectively and learning disability made up another 4.2%.</p> <p>People with a disability worked with upstream in the customer journey will benefit from the Policy since it extends to HRA duty discharge the previous policy, which on suitability and prioritisation for in-borough placement only covered TA allocation and main duty PRS discharge.</p> <p>Elements of the Policy directly related to the group</p> <ul style="list-style-type: none"> - consideration of specialist medical care provided and the extent that these might be disrupted - prioritisation of cases for in-borough placement for those whose social/welfare/medical needs which mean the household needs to stay in the borough - aim to avoid placing households who are engaged with social services out of the borough, subject to the availability of suitable accommodation at the point of need - consideration of the likelihood and extent of the disruption to care and support arrangements, where the care provider is in the homeless household - when assessing what accommodation a household can afford, expenditure on essential items higher than might be expected in the wider context of the applicant's particular circumstances, e.g, an applicant with a disabled child having higher travel costs to ensure that the child is able to access additional support or education that they require and so this should be taken into account when assessing their essential needs, and the income that they have available for accommodation costs. <p>Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move into homes that are suitable and affordable. In extending the number of offers in the PRS, the council is creating greater choice for those at risk of or presenting as homeless – it is intended to improve the outcomes for those homeless applicants. Floor level will be taken into account for those with</p>

			<p>mobility problems; commissioned floating support services will be used to assist households with support needs to maintain PRS tenancies and prevent future homelessness. The council will use its procurement leads, including Capital Letters, for less common PRS supply, e.g. wheelchair accessible units. Direct procurement by the council of PRS accommodation for homeless applicants in general will offset societal prejudices and barriers people with disabilities may encounter when looking for a home to rent in the private rental market.</p> <p>A case-by-case assessment of individual needs and circumstances will underpin the implementation of the policy.</p>
<ul style="list-style-type: none"> ▪ Marriage and Civil Partnerships status 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The policy makes no specific reference to marital or civil partnership status, and is unlikely to discriminatorily impact on people based on their marriage or civil partnership status. Homeless people can apply to the council as a married couple or in a civil partnership wherein they will be treated as a single household. They will be offered accommodation under the Policy taking into account of individual needs and circumstances when determining what constitutes a suitable accommodation offer of temporary accommodation or of the discharge of the council's duties into PRS accommodation.</p> <p>Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move into homes that are suitable and affordable. In extending the number of offers in the PRS, the council is creating greater choice for those at risk of or presenting as homeless – it is intended to improve the outcomes for homeless applicants.</p>
<ul style="list-style-type: none"> ▪ People who are Pregnant and on Maternity 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Emerging families (or existing families with another child on the way) statistically tend to be more represented in upstream homelessness demand than at crisis point. For example, prior to the pandemic in 2019/20, 56% of single homeless women approached the council for assistance prior to homelessness, as opposed to 44% at crisis point. Similar figures are likely to be the case for the number of homeless pregnant single women, using the pattern of female single parent homelessness as a reference point.</p> <p>People who are pregnant who are assisted upstream will therefore be extended the same consideration by way of suitability of offers as a result of the Policy being updated to encompass upstream discharge of HRA duties (the original policy only covered those going into temporary accommodation and those who were owed the main rehousing duty). This group will</p>

			<p>also benefit from the maximum 3 PRS offers, giving greater choice for those at risk of homelessness – it is intended to improve the outcomes for those homeless applicants who would otherwise have to stay in temporary accommodation for an unsustainable length of time.</p> <p>he tended</p>
<p>You should also consider:</p> <ul style="list-style-type: none"> ▪ Parents and Carers ▪ Socio-economic status ▪ People with different Gender Identities e.g. Gender fluid, Non-binary etc. ▪ Other 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Parents & Carers</p> <p>For homeless people who have a role as a carer or parent the policy sets out criteria for identifying an offer of accommodation that would be suitable, whether temporary accommodation or private rented accommodation, both upstream and to discharge the so-called ‘main duty’, at the end of the customer journey, and therefore is beneficial to this group. The policy makes express reference to taking into account the needs of carers and parents. The policy states consideration should be given to disruption to care & support arrangements, making it necessary to consider the frequency and duration of such support; the extent to which those needs can be met by someone else, or by another method and to consider the likelihood and extent of disruption to the continuity of that care and support. The policy also sets in the location of accommodation what would be reasonable generally, by way of travel to deliver care or support and states that individual circumstances will be taken into account.</p> <p>Gender Identities</p> <p>The Policy makes no specific reference to gender identities and is unlikely to discriminatorily impact people based on how they identify themselves. Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move into homes that are suitable and affordable. In extending the number of offers in the PRS, the council is creating greater choice for those at risk of or presenting as homeless – it is intended to improve the outcomes for homeless applicants. Direct procurement by the council of PRS accommodation for homeless applicants will offset and mitigate societal prejudices and barriers people with non-binary gender identities may encounter when looking for a home to rent in the private rental market.</p> <p>A case-by-case assessment of individual needs and circumstances will underpin the implementation of the policy.</p> <p>Socio-economic/Health & Wellbeing</p>

		<p>The Policy sets out detailed criteria for ensuring both offers of private rented accommodation and temporary accommodation are affordable and homeless households are not discharged into unaffordable accommodation that will lead to future indebtedness and repeat homelessness.</p> <p>Homeless households assisted upstream will in addition have clarity from the Policy on what will be taken into account by way of affordability in the allocation of offers (the original policy only covered those going into temporary accommodation and those who were owed the main rehousing duty, not those assisted upstream).</p> <p>Reasonable travel time to work to enable homeless or at risk households to maintain existing employment and keep travel costs to a minimum is also a consideration in the Policy, supporting socio-economic well-being. Around 33% of new homeless applicants before the pandemic in 2019/20 held full-time or part-time jobs.</p> <p>An increase in the number of private rented sector offers should also result in more settled accommodation being offered to homeless households more quickly. The policy is intended, amongst other things, to help avoid the stress and instability caused by the housing uncertainty of temporary accommodation, which can involve multiple moves. Making more offers of accommodation in the PRS will offer applicants more choice. Minimising the use of TA will provide applicants/ households greater certainty about their future enabling them to put down roots in the neighbourhoods in which they live and to make arrangements such as signing up with a general practitioner and securing school places for children more quickly and with greater confidence about where they will be living into the longer term.</p>
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If you have answered **Yes** to one or more of the groups of people listed above, **a full Equality Impact Analysis is required**. The only exceptions to this is if you can 'justify' the discrimination (Section 4). **If there are equality impacts on Council staff please complete the restructure equality impact analysis on the ['Organisational change process' pages of the intranet](#).**

Section 4: Justifying discrimination

<p>Are all risks of inequalities identified capable of being justified because there is a:</p>	
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(i) <i>Genuine Reason</i> for implementation	<input type="checkbox"/>
(ii) The activity represents a <i>Proportionate Means</i> of achieving a <i>Legitimate Council Aim</i>	<input checked="" type="checkbox"/>
(iii) There is a <i>Genuine Occupational Requirement</i> for the council to implement this activity	<input type="checkbox"/>

Section 5: Conclusion

Conclusion details

Based on your screening does a full Equality Impact Analysis need to be performed?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments
<p>The policy proposal to increase the number of offers of accommodation in the PRS is justifiable. The objective is to ensure that housing is provided to homeless households which is both sustainable to the applicants/households and affordable to both the applicant and the council. The continued use of temporary accommodation is costly and the council's general fund is stretched following significant years of government austerity pre-pandemic and will be further impacted as the effects of the pandemic on local government finances are likely to be felt for many years to come.</p> <p>Increasing the number of offers of accommodation in the PRS will afford homeless applicants a degree of choice after careful consideration of their needs. An offer of accommodation will provide more long-term certainty for applicants. Failure to increase the offer of accommodation will not aid the council to remove its reliance on temporary accommodation which, as we move out of pandemic restrictions, is likely to place further pressure and demand on the council's homelessness services. In making no change to the policy and providing greater choice in the PRS the level of false expectation that remaining in such accommodation will expedite an offer of a social housing tenancy will continue.</p>