

# Equality Analysis (EA)

Financial Year  
**2020/21**

See  
**Appendix A**

Current decision  
rating



## Section 1 – General Information (Aims and Objectives)

### **Succession Rights**

*This equality analysis considers officer's proposals to amend two key areas of council policy which are critical to ensuring that the council manages and makes the best use of its housing stock:*

- 1) Statutory Succession** – as contained in the current tenancy agreement.
- 2) Revocation of the policy on “Second Succession”** – as detailed in the 1994 policy decision.

*These proposed changes in council policy have arisen from a review of the council's current (existing) tenancy agreement which was originally written in 1999. In the years following the drafting of the current tenancy agreement, there have been significant changes in legislation which have necessitated the proposed new tenancy agreement and in turn, consideration of the council's policies on succession. The changes proposed following the review of the tenancy agreement are needed not only to update the tenancy agreement in terms of primary legislation but to improve operational practice and understanding of the terms and conditions: setting out the rights and responsibilities of both council tenants and the council (as a social landlord).*

*Failing to revise and update the council's tenancy agreement makes it increasingly difficult for officers to enforce breaches of tenancy as the current version does not acknowledge or recognise statutory provisions which have been put in place since 1999.*

#### **1) Statutory succession**

*Statutory succession is a legal right for someone to inherit a council tenancy when a council tenant dies. The legislation is contained in the Housing Act (1985) and Section 160 of the Localism Act (2011).*

*Section 86a, (1) of the Housing Act (1985) provides that a person is only qualified to succeed the tenant under a secure tenancy of a dwelling-house if that person occupies the dwelling-house as their only or principal home at the time of the tenant's death and that the person was the deceased tenant's spouse or civil partner or living with the tenant as if they were a married couple or civil partner.*

*The Act also provides (section 86a, (2)) that a person is qualified to succeed the tenant under a secure tenancy of a dwelling-house in England if:*

- a) *at the time of the tenant's death the dwelling-house is not occupied by a spouse or civil partner of the tenant as his or her only or principal home,*
- b) *an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, **and***
- c) *the person's succession is in accordance with that term.*

At the time of the coalition government in 2010, the government did not consider 'automatic' succession to family members other than spouses and civil partners to be appropriate for social housing tenancies (unless expressly provided for by the landlord).

This led to the Localism Act (2011) which introduced important succession changes from 1<sup>st</sup> April 2012. The Act restricted secure tenancy succession rights to spouses and civil partners (and those living together as if in one of these arrangements) who were occupying the dwelling-house as their only or principal home immediately before the tenant's death: s86A(1) Housing Act (1985)/s17(1) Housing Act(1988). The Act also saw the following limitations on succession:

- a) It being a sole tenancy. If a joint tenancy, the surviving tenant becomes the sole tenant under the common law doctrine of survivorship. The remaining joint tenant or 'survivor' is a successor and therefore no further right of succession exists.
- b) For tenancies granted on or after 1st April 2012, if there is no spouse, civil partner or common-law spouse entitled to succeed then, if a term of the tenancy agreement allows for some other person to succeed (wider family members) then that provision applies and the tenancy will be awarded to a qualifying person at the time of death: s86A(2) of the Housing Act (1985) and s17(2) Housing Act (1988).
- c) There are no statutory succession rights available if the deceased tenant was a successor (which includes by way of the doctrine of survivorship referred to at (a) above) unless the tenancy agreement makes express provision to the contrary: s86A(3)(4) Housing Act (1985) and s17(1D)(1E) Housing Act (1988).
- d) The exclusion of wider family members from 'automatic' succession to secure tenancies ('family members' including those living together as husband and wife, or as if they were civil partners), unless provided for in the tenancy agreement, does not apply to those tenancies granted before 1<sup>st</sup> April 2012: S160(6)(a) Localism Act (2011).
- e) Common law spouses and those living together as if civil partners, where the secure tenancy began before 1<sup>st</sup> April 2012, must have lived with the deceased tenant for the 12 months prior to the death (s87(b) Housing Act 1985))

The council's current position regarding succession rights is that since the Localism Act (2011) came into force on the 1st April 2012, only spouses or civil partners of the tenant occupying the property as their only or principal home at the time of the tenant's death, are automatically entitled to succeed. Under the Act, the statutory right for family members to succeed to a tenancy on the death of a tenant was removed. The minimum succession rights in law afforded since this Act are now limited to the spouse or partner of a deceased tenant. Any additional familial rights of succession are at the discretion of the council. **In practice, the council has been affording extended familial rights of succession and will continue to do so.**

There is however an unfortunate ambiguity in the old council tenancy agreement that the proposed new tenancy agreement will remove. Succession should be a one-time only occurrence to ensure a tenancy is not being handed down in perpetuity to a given household or family, but to ensure that the scarce resource of social housing goes to those with a genuine housing need. There have been occasions where a secondary tenancy has been granted to family member due to the lack of clarity in the old council tenancy agreement (up to this point) which the council now proposes to remove.

The council's tenancy agreement has not been amended since 1999 and predates the changes brought by the Localism Act (2011) but the council's stance remains as before (and the proposed new tenancy agreement now clarifies) that it has the discretion to consider granting succession rights to additional family members who, in the absence of the

deceased tenant having a spouse or partner, would succeed the tenancy.

While this discretion in the absence of a spouse and partner remains, the council is strengthening its position on familial succession by setting out in the proposed new tenancy agreement that in the instance where a sole tenant dies who does not have a spouse or partner, the tenancy can be passed on to a member of the deceased tenant's family, (parent, grandparent, child, grandchild, brother, sister, aunt, uncle, niece or nephew and stepchild), provided that the proposed successor has been residing with the tenant for the last twelve months prior to the death of the tenant.

In addition, the proposed familial successor should not occupy a dwelling-house that is deemed to be larger than is reasonably required, for instance, where a single person succeeds to a two-bed property or larger. In this case, the council can seek to move the new tenant to a suitable alternative property. **(This conditionality will not apply in the instance where a deceased tenant's spouse or partner succeeds the tenancy)**. While a family member may have lived in the property for many years, local authorities generally seek to recover repossession of under-occupied properties in order to ensure the best use of their stock; this is particularly the case in areas of high housing demand.

The continuation of the council exercising its discretion to extend the rights of family members to succeed a tenancy in the event of tenant passing, (where there is no eligible spouse or partner), can be seen as a positive for all tenants, as it provides security of tenure for families during a challenging time in their lives. Where a property has been adapted to meet the needs of a disabled family member who continues to reside in the household, it will prevent the disruption of moving to another property.

As part of the need for the council to make the best use of social housing stock in the borough, where an adaptation is no longer required or the size of the accommodation is no longer appropriate for the proposed successor, the council will offer a suitable alternative, provided that the proposed successor meets the qualifying criterion.

## **2) *Revocation of the policy on "Second Succession"***

In September 1994, the council adopted a policy to allow "second successions" by creating a new tenancy if the applicant met the criteria for a succession but could not succeed to the tenancy as a previous succession has taken place. This was agreed to protect the interest of the family members who lived with the deceased tenant. Where the surviving family are under-occupying by two bedrooms or more a "second succession" will be refused, but an offer of alternative smaller accommodation will be made. "Second succession" rights were granted to spouse/civil partner and family members.

The intention behind the second succession policy was "to protect family members residing with a deceased tenant". It allows a family member provided that they lived with the tenant for at least 12 months prior to the death of the tenant, an automatic right to a NEW tenancy when that tenant dies and applies to both joint and sole tenancies. However, it **only applies to pre-2012 (Localism Act) tenancies** (62% circa 7,000) and **NOT** post-2012 tenancies (38%, circa 4,000). This is because the Localism Act (2011) changed the succession rules and allowed only a spouse/partner to succeed and NOT family members.

When the Localism Act came into force (April 2012) – it meant that no family member after this date could benefit from the second succession policy as no family members apart from a partner or spouse could qualify for a succession.

This position is at odds with most if not all other London authorities who have amended their tenancy agreement post 1st April 2012 to include a clause which will consider granting qualifying family members a right to succeed to the tenancy.

Further, the second succession policy does unintentionally lead to more than just a **second succession** and can create of a line of second and subsequent successions in perpetuity, which was never the intention of the second succession policy. In effect, allowing properties to remain in the same family for generations irrespective of whether the successor has a housing need.

For all those negatively impacted by the removal of the second succession policy, the council will consider making an offer of accommodation in accordance with a proposed successor's eligibility to join the Housing Register. This means that the proposed familial successor:

- Must not have limited immigration status
- Must be over 18 years of age
- Must have lived in the Borough continuously for the last 3 years
- Must not be guilty of anti-social behaviour
- Must not have a family income greater than £90,000 per annum
- Must not be a homeowner
- Must have resided with the deceased tenant at least 52 weeks before the deceased tenant's death.

The proposed wording of the new clause on succession will ensure equal treatment of family members irrespective of when they signed up for their tenancy. Counsel advice on the second succession policy, received in October 2018, recommended a revision or revocation of this policy. The proposed removal of the second succession policy would result in an equalising of the position between pre- 2012 and post- 2012 tenants that had occurred with the introduction of the Localism Act 2011 (implemented from April 2012).

In place of the second succession policy, "qualifying persons" – such as family members, would be considered for a discretionary offer of accommodation if they met the council's eligibility criteria for rehousing at the time of death of the tenant.

In awarding a discretionary new tenancy, the HMP would look at the circumstances of each application as there may be extenuating circumstances, such as medical reasons or a preventative duty under the Homeless Reduction Act, that justifies the offer to rehouse. In which case the panel would look at making an offer of accommodation, either of the property they occupy, if it meets their needs, or an offer of alternative accommodation to prevent any under occupation.

*Under the **Equality Act (2010)**, the council must have due regard to the need to:*

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;*
- b) Advance equality of opportunity between those with a protected characteristic and those without;*
- c) Promote good relations between those with a protected characteristic and those without.*

*The 'protected characteristics' referred to are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; gender and sexual orientation. It also*

*covers marriage and civil partnership, in addition, the council also considers the socio-economic impact on the community.*

This equality analysis looks at the potential impact of the proposed policy amendments to succession rights.

Where any adverse or disproportionate impacts are identified against tenants identifying with specific protected characteristics, this EA will ensure that the council identify these impacts and have appropriate mitigation actions in place where necessary.

### **Conclusion**

*These proposals to change the council's clauses on succession will provide greater security and stability to the tenant and their household. It will enable the council to ensure mixed and sustainable communities linking in with Priority 2 of the council's Strategic Plan 2020-2023 ('A borough that our residents are proud of and love to live in'). It also puts all secure tenants on an equal footing in terms of tenancy succession.*

*The proposals on succession in the new tenancy agreement set out more clearly who can succeed in the instance where a sole tenant dies and when there is no surviving spouse or partner, who could succeed the tenant under the survivorship rule. The new tenancy agreement states that a qualifying and eligible member of the tenant's family who has resided with the tenant for a minimum of 12 months prior to the tenant's death, may succeed a tenancy.*

*Where the property exceeds the housing need of the proposed successor, or the successor's household does not require any of the specific adaptations made to the property for a less able household member, the successor will be offered an alternative property based on their household's needs. This will ensure that the council are making the best use of its housing stock and that officers are supported to re-allocate the property to an applicant and household who require a home with that number of bedrooms and/or with those specific adaptations for a less-able household member.*

*The old tenancy agreement was written at a time when there was a more readily available supply of social housing in the borough. Over the course of the last 20 years, the demand for social housing has increased and looks likely to continue. By ensuring that this precious commodity is allocated not only to those in housing need, and that any allocation is based on the housing needs of the applicant and their household, officers will be able to manage this limited supply more efficiently. This is paramount given that there are many applicants on the CHR looking for family-sized homes because they are overcrowded. The proposed new clauses within the tenancy agreement will provide that these homes are allocated according to housing need and will contribute to alleviating the continued pressure of demand for larger family-sized homes on the council.*

*Family members of those granted a pre-1<sup>st</sup> April 2012 secure tenancy who have resided with a tenant for a minimum of twelve months prior to the death of the tenant have an automatic right to a NEW tenancy when that tenant dies. It applies to both joint and sole tenancies. The revocation of the 'Second Succession' Policy places post-2012 secure tenants on an equal footing with tenants granted a secure tenancy prior to the enactment of the Localism Act*

(2011).

*Removing the second succession policy and introducing new clauses on succession will ensure parity of treatment for all family members regardless of when the tenant was granted their tenancy. The removal of the 'Second Succession' policy will afford all qualifying and eligible family members who have resided with a secure tenant for at least 12 months before the tenant's death a discretionary right to be considered for a new tenancy. This will ensure a consistent approach to the management of the council's tenancies and provide security for family members who meet all the necessary qualifying criterion.*

**Name:** *Karen Swift, Divisional Director, Housing and Regeneration*

**Date signed off:** *25/11/21*  
*(approved)*

**Name and role of the officer completing the EA:**  
*Una Bedford. Strategy & Policy Officer (Place)*

## **Section 2 – Evidence (Consideration of Data and Information)**

*Equalities data has been extracted from Tower Hamlets Homes' Housing Management Information system (Northgate). For the purpose of this Equality Analysis, a report was produced on 31<sup>st</sup> March 2021 which provides information on the protected characteristics of our council tenants. It is important to remember that there are some information gaps in the information that is available to the council/Tower Hamlets Homes. This is because the decision to disclose equalities and diversity information is down to individual and personal choice; some tenants may be reluctant to share this information with the council or its partners.*

*Due to ongoing public health and safety concerns arising from the pandemic, the council undertook an online consultation exercise which was available to all council tenants. The online consultation period ran from Friday 3<sup>rd</sup> September – Sunday 17<sup>th</sup> October 2021. This gave tenants a 7-week opportunity to express their opinions on the new proposed tenancy agreement.*

*In advance of the consultation going 'live', all current council tenants were posted a letter – also known as a preliminary notice of the proposed changes to the council's tenancy agreement (under s.103 of the Housing Act (1985)). This advised council tenants of all the proposed changes that the council are seeking to make to the tenancy agreement and directed tenants to view more information including links to the current (existing) and proposed new tenancy agreements on a dedicated consultation webpage.*

*The webpage also had a link an online questionnaire which residents could complete if they so wished. In addition, the Strategy and Policy team set up, monitored, and provided responses to any further comments or queries that council tenants may have had in respect of the proposed new tenancy agreements.*

*In the absence of face-to-face consultation events with council tenants, officers from the council and Tower Hamlets Homes held two webinar sessions which tenants were able to view and ask questions to the officers on the proposed changes. The first webinar was held on 16<sup>th</sup> September 2021 and focused on the general changes proposed in the new tenancy agreement, and the second webinar was held on the 28<sup>th</sup> September 2021 and was centred on the proposed changes that the council are seeking to make on succession to a tenancy on the death of a current council tenant. The presentations from both of these webinars were also posted on the council's dedicated tenancy agreement consultation page after they were held.*

*A full report on the findings of the consultation exercise will be provided with the report and recommendations to Cabinet in respect of the proposed new tenancy agreement.*

*In total, the council received 72 responses to the online consultation questionnaire from current council tenants. The findings emerging in terms of council tenant's responses have been included in this Equality Analysis.*

### **Section 3 – Assessing the Impacts on the 9 Groups**

This section considers the impacts on the proposed revisions to the council's policies on succession within the new tenancy agreement which could potentially impact across the protected characteristics.

#### **Age**

Working age people are the most prominent age group of all current council tenants (76%) however, tenants and qualifying family members of all ages will not be disproportionately impacted by the council's proposal to remove the second succession policy. Succession should be a one-time only occurrence to ensure a tenancy is not being handed down in perpetuity to a given household or family, but to ensure that the scarce resource of social housing goes to those with a genuine housing need. The proposed wording of the new clause on succession will ensure equal treatment of family members irrespective of when they signed up for their tenancy and dependent on whether a prospective successor meets the qualifying criterion to succeed to a tenancy.

The council remains committed to using its discretion to permit familial rights of succession, beyond the minimum statutory provision which allows a spouse or partner of the deceased tenant to succeed a tenancy. The council's new tenancy agreement will confirm that succession will be a 'one-time only occurrence' with familial succession rights granted in the absence of a spouse or partner succeeding the tenancy and provided the deceased tenant was not a successor themselves.

Tenants of all ages will continue to benefit from the council using its discretion to afford the right of succession beyond those provided under the Localism Act (2011).

The council will, when reviewing a familial application to succeed a tenancy, consider if the proposed successor is eligible for social housing as prescribed within the Common Housing Register's Allocations Scheme, and will also consider if the property meets the housing needs of the proposed successor. (In the instance where a spouse or partner succeeds to a tenancy, this would not apply). If the proposed successor meets the qualifying criterion but would be under-occupying the property, the proposed successor will be offered an alternative property which meets their housing needs.

This policy ensures that housing is allocated appropriately - according to the number of bedrooms that a household need. It will allow the council to make the best use of its available housing stock. The proposed new tenancy agreement will clarify the circumstances and criterion when this can be permitted.

Tenants of all ages will benefit by the strengthening of the council's rules on succession. **Older or widowed residents who succeed a tenancy by survivorship will not need to move from their property.** Younger households in need of three/four+ bedroom properties will benefit where a family member who succeeds a tenancy will be unable to keep the property if it is larger than their housing needs. This will allow these much-needed properties back into the churn of lets within the social housing stock.

#### **Race**

The largest ethnic group which council tenants identify with are Asian or Asian British (Bangladeshi) (47%). The second and third largest identified ethnic groups in the borough are White British (18%) and Black or Black Somali (3%) respectively. However, 9% of council tenants chose not to disclose their ethnic origin. There is also no related data to link ethnic identity to religious belief or faith. All prospective tenants regardless of their ethnicity will benefit from the revised amendments to the council's policies on succession rights.



All tenants regardless of their ethnic identity will benefit from the council strengthening the rules within the tenancy agreement on succession. The council is maintaining its stance that in the event where there is no surviving partner, and in the instance where there is a family member who meets the succession criterion, (provided a succession has not happened already), and the property meets the housing needs of the proposed successor, that the council will exercise its discretion in granting a tenancy. This will ensure that much needed homes go to those who need it, preventing those who are under-occupying from gaining a home which exceeds their housing needs. It will allow these homes to be re-circulated back into the churn of lets within the social housing stock.

The council recognises that there is the potential for council tenants for whom English is not a first language to have difficulty in being able to understand this and every new/amended clause in the proposed /revised tenancy agreement. This can be mitigated by ensuring that translation and interpretation services are made available and promoted. The council has sent all existing tenants a preliminary letter (section 103 Notice) informing tenants of the council's intention to serve a notice of variation, specifying the proposed variation and its effect, and invited comments as early as possible. The council is required to consider any comments made by tenants on the notice of variation and in response to the consultation.

### **Religion or belief**

Recent data from Tower Hamlets Homes' Housing Management Information System shows that the largest religion/belief group which council tenants identify with is Muslim, (51% of all council tenants). The second largest faith group which council tenants identify with is Christian (15%), while 6% of tenants stated that they had no religion or faith. From all other faith groups, (Buddhist, Jewish, Hindu or Sikh) less than 2% of council tenants identify themselves as belonging to these faith groups. Less than 1% of council tenants identified as belonging to another faith or religion. The religion or belief of 26% of all tenants is unknown because they have chosen not to disclose this information or have preferred not to say.

The proposal to clarify the eligibility and circumstances where a family member would succeed a deceased tenant will not have any adverse impact on tenants based on their religion or faith.

While the council are maintaining the discretion in the absence of a surviving spouse or partner to succeed a council tenancy, in clarifying the rules on when and how this may be granted this will ensure that social housing is allocated appropriately. It will allow the council to make the best use of the social housing stock which is available. While the previous tenancy agreement did provide the discretion to enable a family member to succeed a council tenant, it did not specify the circumstances and criterion when this can be permitted.

### **Gender**

Females are the largest gender group among council tenants with 56% of all council tenants identifying as female. Males represent 34% of all council tenants. On the basis that there are more female led households among council tenancies, it could be argued that women are the most likely gender to benefit positively from this change to the council's succession policies, however, these proposed amendments to the council's policies on succession will benefit all tenants irrespective of their gender.

### **Disability**

Information provided by Tower Hamlet's Homes Housing Management Information System records that 19% of council tenants identify as having one or more disabilities, while 73% of residents have declared that they do not have a disability. There is a deficit in this information where it is unknown as 8% of council tenants have chosen not to disclose this

this information or preferred not to say.

It is thought that the proposed changes to the council's policies on succession will have a positive impact on all tenants and family members. The new succession policy will have a particular benefit to those less able where a property has been adapted to meet a tenant's needs and where these adaptations are not required by the prospective successor and their household (where this is no need for an adapted home), this property will be returned into the council's supply and allocated to another applicant who's needs best suit this adapted home. If the prospective successor is a qualifying successor, they will be offered an alternative property which is appropriate to their needs.

The strengthening of the rules around familial succession to a council tenancy benefits tenants who are less able. Surviving spouses or partners who succeed a tenancy who have had an adaptation to their home to meet their needs or those of a member of their household will keep the property, removing any further distress at what is a difficult time.

In the event that a member of the deceased tenant's family looks to succeed a property, in addition to meeting the qualifying criterion for social housing, consideration will be given as to whether the proposed successor's household needs that size of property as well as whether any household member has an ongoing need for any adaptations already in place within the property.

In the instance where the property has a disabled adaptation which is no longer suitable for the proposed familial successor or their household, and if the tenant meets all the other eligibility criterion, the proposed successor may be offered a suitable alternative accommodation.

Where a property is relinquished in these circumstances, the property can be allocated to someone waiting on the Common Housing Register for an adapted home relatively quickly at minimum cost to the Housing Revenue Account. Whereas allowing a successor to remain in a property where any adaptations are no longer needed may require the council to remove any disabled adaptations, (for example, walk in showers converted back to ordinary bathrooms), at considerable expense to the Housing Revenue Account.

### **Sexual Orientation**

From information provided by existing council tenants as of March 2021, 64% of council tenants identified as heterosexual, while just under 1% identified as either gay, lesbian, bisexual or other. There is however a considerable deficit in the information around this protected characteristic because a little over 35% of residents have either preferred not to say or to disclose this information. Any issues brought to our attention will be dealt with sensitively on a case-by- case basis. We recognise that this is an elective process on the part of the tenant and the council respects the confidence given to our officers when a tenant discloses this information to use.

All qualifying family members will benefit from the proposed amendments to the council's policies on succession rights irrespective of any protected characteristics that they may identify with. This policy ensures that housing is allocated appropriately, provided a successor meets the council's eligibility criterion and after consideration of the housing needs of the proposed successor. It will allow the council to make the best use of the social housing stock available. While the previous tenancy agreement did provide the discretion to enable a family member to succeed a council tenant, it did not clarify the circumstances and criterion when this can be permitted.

## **Gender reassignment**

The information currently held on Tower Hamlets Homes Housing Management Information system is insufficient due to a deficit on the data held on council tenants on this protected characteristic. While 37% of residents identify that their gender is the same as at their birth, less than 1% confirm that they have transitioned. A further 9% preferred not to say, and for the remaining 54% of council tenants this information is either unknown or the tenant elected not to say. We recognise that tenants are reluctant to disclose this information and that this is an elective process on the part of the tenant. The council/Tower Hamlets Homes does respect the confidence given to our officers when a tenant chooses to disclose this information to us.

All qualifying family members will benefit from the proposed amendments to the council's policies on succession rights irrespective of any protected characteristics that they may identify with. The council strengthening its position on the rules of familial succession will benefit all residents regardless of any protected characteristic that they may identify with.

This policy ensures that housing is allocated appropriately, provided a successor meets the council's eligibility criterion and after consideration of the housing needs of the proposed successor. It will allow the council to make the best use of the social housing stock available. While the previous tenancy agreement did provide the discretion to enable a family member to succeed a council tenant, it did not clarify the circumstances and criterion when this can be permitted.

## **Pregnancy and maternity**

The only data which the council collects for this protected characteristic is due dates for pregnancy, usually collected at the point of entry to the Housing Register and again at the point when a tenant signs up for a council tenancy. This data is used to ascertain the size of the property/the number of bedrooms a tenant requires under the 'bedroom standard'.

All qualifying family members will benefit from the proposed amendments to the council's policies on succession rights irrespective of any protected characteristics that they may identify with.

These changes will ensure that housing is allocated appropriately, provided a successor meets the council's eligibility criterion and after consideration of the housing needs of the proposed successor. It will allow the council to make the best use of the social housing stock available. The proposed new tenancy agreement will clarify the circumstances and criterion when this can be permitted.

## **Marriage and Civil Partnerships**

There is no qualitative or quantitative data to suggest that this proposed clause will have a negative impact on people because of their marital status. If anything, this more prescribed clause on succession affords family members in housing need greater security.

In the instance where a joint tenant dies, the tenancy will automatically pass under the rules of survivorship to the other joint tenant, provided that they occupied the property as their only or principal home at the time of the tenant's death.

Similarly, if a sole tenant dies, the tenancy will pass on to the tenant's spouse or partner if they occupied the home with the tenant as their only or principal home at the time of the tenant's death or where a co-habitee or partner had been residing with the tenant for the twelve months before the tenant died (and the property is their only or principal home).

Where a sole tenant dies without a spouse or partner (as above), the tenancy can pass to

another family member, provided that they resided with the tenant, as their only or principal home for the twelve months prior to the tenant's death. In addition, the proposed successor would need to meet the eligibility and qualifying criterion for social housing as prescribed in the council's Common Housing Register Allocations Scheme,

The revision of the policies on succession will provide greater security to qualifying family members who have met the residency requirement to succeed the property. Should the successor and their household be found on enquiry to be 'under-occupying' the property or where the property has been adapted to meet a disabled need which is not longer required by the proposed successor, they will be offered a tenancy at an alternative property in accordance with their housing needs.

### **Socio-economic**

The proposal to amend the council's policy on succession will benefit both current and future secure tenants. The council continues to use its discretion to allow, where appropriate, wider family members to succeed a tenancy. However, by strengthening the rules concerning succession, this will potentially (over time), reduce the number of tenants who are under-occupying their homes, freeing up much need larger family accommodation as well as homes that have been adapted to meet a tenant or a member of their households needs.

It will enable applicants on the Common Housing Register to obtain homes sooner, often removing them from the expensive private rented sector, and enabling them to benefit from lower social housing costs.

### **Consultation Feedback**

*Our online consultation questionnaire asked tenants if they were happy, neutral or unhappy with the addition of a right for certain family members to succeed to their tenancy in the event of their death. It was further explained that the tenancy can be passed on to a family member as long as the tenant did not have a spouse or partner living with them at the time of their death.*

*This will primarily affect tenants granted a council tenancy from 1<sup>st</sup> April 2012, when the Localism Act (2011) took effect. Succession to tenants granted a tenancy from 1<sup>st</sup> April 2012 can only be granted to the deceased tenant's spouse or civil partner provided that the successor is occupying the property as their only or principal home at the time of the tenant's death, Under the Act, the statutory right for family members to succeed to a tenancy on the death of a tenant was removed. The minimum succession rights in law afforded since the Localism Act has been enacted has now limited succession to the spouse or partner of a deceased tenant. Any additional familial rights of succession are at the discretion of the council.*

*In practice, the council has been affording discretionary extended familial rights of succession and will continue to do so. This change in the tenancy agreement formalises this discretionary right for family members (the definition of family member is prescribed in law).*

*79% of tenants (57) said that they were happy with this proposed change, 13% (9) held no specific view (neutral) while 8% of those who responded said that they were unhappy.*

*The council proposes to remove the 'second succession policy which has been in place since 1994 which predates the changes brought by the Localism Act (2011). For secure tenancies granted before 1<sup>st</sup> April 2012, a family member can succeed the tenancy succession where a previous succession had not already taken place under the rules of*

survivorship and provided that the family member had lived with the deceased for 12 months before the tenant's death. Where the tenancy was originally a joint tenancy and a tenant dies, this counts as succession for the purposes of the Act, and no further succession will be allowed. This is aside from any policy operated by the council to grant a new discretionary tenancy to a relative of the deceased where no statutory succession is available.

In the consultation questionnaire, the council highlighted that the council intended to remove the 'second succession' policy dating back from 1994, which impacts on tenancies created before 1<sup>st</sup> April 2012 (pre- Localism Act secure tenancies). The 'second succession; policy allows a second succession (in effect a new tenancy) to be given to partners/family members who did NOT qualify for a succession because one had already taken place.

Tenants have been advised that the new proposed tenancy agreement will remove the automatic right to a second succession. The current council tenancy agreement (1999) says that successions should take place according to the law.

This means that tenants who have a tenancy **before** April 2012 have different rights from those tenants whose tenancy began **after** April 2012.

**The proposed new clause on succession will mean that ALL tenants are treated the same, whether their tenancy began before or after April 2012. This means that any qualifying family member can succeed to the tenancy.**

When asked what they thought about this proposal, 38% of tenants said that they were happy with this proposal, 32% were neutral while 29% of tenants said that they were unhappy with the proposed rescinding of the second succession policy.

Tenants who described themselves as 'unhappy' with the proposal to rescind the 'second succession' policy provided additional commentary and said that the proposed removal of the policy would 'remove security from their family' and that 'their child would not get the right to succeed the policy'. This demonstrates that tenants have not understood this proposal and that further explanation of what the changes brought will mean for existing tenants needs to be made.

By clarifying within the new proposed tenancy agreement that the council will exercise its discretion to award a secure tenancy when a tenant dies, the council are confirming within the new agreement what is already operational practice. All tenants will benefit and the circumstances of the proposed successor will be considered on a case-by-case basis.

In continuing to operate a two-tier approach to succession with the 'second succession policy' applicable to pre-April 2012 tenants only, with post-April 2012 tenants having limited succession rights by virtue of the Localism Act (2011), council tenants are being treated inequitably and the continued operation of the 'second succession policy' unintentionally allows a social housing home to remain in a family's grant in perpetuity irrespective of whether or not they have a genuine housing need.

Social housing is in limited supply not just in the borough, but both regionally and nationally. At the time when the 'second succession' policy was agreed over 27 years ago, demand for social housing was not as high and the housing crisis has since escalated. As of September 2021, there are 21,249 applicants on the council and its partner's Common Housing Register for social housing. The measures that the government put in place to ban evictions in both the social and private rented sectors as a result of the economic conditions caused by the pandemic ended in October 2021 and the council is likely to see the demand

*increase further for social housing as a consequence. There is very little movement in the borough's social housing stock and by allowing families irrespective of housing need to remain in perpetuity in this limited resource without consideration of that need, this deprives those in genuine housing need of a safe, secure and affordable home at social rather than market level rents.*

*Removing the 'second succession' policy will place all secure tenancies on an equal footing in terms of the council taking a discretionary approach to familial succession. Further, the proposed new tenancy agreement will set out that in the instance where a familial successor is under-occupying the home the council may make an offer of suitable accommodation elsewhere. This will benefit those applicants waiting on the council's Common Housing Register for suitably sized family homes and allow those properties to be relet to those who need those properties.*

<p><b>Target Groups</b></p>	<p><b>Impact – Positive or Adverse</b></p>	<p><b>Proposal 1:</b> The new tenancy agreement sets out that in the instance where a sole tenant dies who does not have a spouse or partner, the tenancy can be passed on to a member of the deceased tenant’s family (parent, grandparent, child, grandchild, brother, sister, aunt, uncle, niece or nephew and stepchild) provided that the proposed successor has been residing with the tenant for the last twelve months prior to the death of the tenant. The proposed successor must also meet the qualifying and eligibility criteria as set out in the council and its Common Housing Register partners Allocations Scheme. Where the proposed successor is ‘under-occupying’ the property or where the property has been specifically adapted to meet a less-able bodied person’s needs and this is no longer needed by the successor or their household, officers will offer an alternative property which meets the housing needs of the successor and their household</p> <p><b>Proposal: 2) Removal of the Second Succession Policy:</b> The Localism Act (2011) removed the statutory right for family members to succeed a tenancy on the death of a tenant. The minimum succession rights in law afforded since this Act are now limited to the spouse or partner of a deceased tenant. The council have continued to allow additional familial rights of succession at the discretion of the council and will continue to do so. The new council tenancy agreement will clarify and strengthen when a family member would qualify to succeed a council tenancy.</p>
<p><b>Age</b></p>	<p><b>Positive</b></p>	<p>Irrespective of a proposed successor’s age, where a proposed successor qualifies and is eligible for social housing, but would be under-occupying a home, (where the property has more bedrooms than an applicant or their household needs), they will be made an offer on a more suitable property which meets their housing needs. Younger families on the council’s Common Housing Register will benefit from the re-circulation of homes back into the letting pool, particularly those in need of three/four+ bedroom properties will benefit. Applicants on the Common Housing Register seeking a home which has been adapted to meet a specific need will benefit where this property becomes available if the successor and their household do not have a need for this accommodation.</p> <p>Family members of all ages will continue to benefit from the council using its discretion to afford the right of succession beyond those provided under the Localism Act. Older or widowed residents who succeed a tenancy by survivorship will not be affected as they will not need to move from their property. While the removal of the ‘Second Succession’ policy, will affect only those tenancies granted before April 2012, it will remove the disparity in the succession rights which is currently in place. At present, the council only offer family members of deceased tenants where the original tenancy was granted from April 2021, a discretionary right to succeed a tenancy. Removing the second succession policy and inserting a new clause on succession for family members (irrespective of when the original tenancy was granted) will ensure parity of treatment for all family members regardless of when the tenant was granted their tenancy.</p> <p>The removal of the ‘Second Succession’ policy will afford all qualifying and eligible family members who have resided with a secure tenant at minimum for at least 12 months before the tenant’s death a discretionary right to be considered for a new tenancy. This will ensure a consistent approach to the management of the council’s tenancies and provide that family members who meet all the necessary qualifying criterion are afforded some security. While the removal of the policy may be seen as having a negative impact on pre-April 2012 tenancies it will ensure that a tenancy is no longer being handed down through a family. Succession should be a one-time only occurrence to ensure a tenancy is not being handed down in perpetuity to a given household or family. In</p>

		<p>continuing the 'second succession' policy, the council are not making the best use of it's social housing stock as required within the Regulator of Social Housing's Tenancy Standard. Removal of the policy will allow consideration of familial members housing needs which is vital as the availability of social housing has declined since the 'second succession' policy was originally approved. If the policy were to remain in place, the council may be challenged by the Regulator as the White Paper Charter for social housing residents will see greater involvement and inspection of the consumer standards. It is therefore recommended that we remove any disparity which may hold the council in breach of the Tenancy Standard. Rescission of the second succession policy will place all tenants, irrespective of when their tenancy began, on an equal footing maintaining the statutory position on who can succeed a tenancy, applying discretion as appropriate and to ensure that homes go to those who need it most.</p>
<p><b>Race</b></p>	<p><b>Positive</b></p>	<p>This proposal will have a positive impact on tenants regardless of their ethnic identity. All tenants regardless of their ethnic identity will benefit from the council strengthening the rules within the tenancy agreement on succession. This will ensure that much needed homes go to those who need it, preventing those who are under-occupying from gaining a home which exceeds their housing needs. It will allow these homes to be re-circulated back into the churn of lets within the social housing stock. Similarly, if a successor and their household relinquish a home because it has been especially adapted and there is nobody in the successor's household who requires these specific adaptations, the property will be offered to a CHR applicant who needs it. The successor will be offered an alternative property based on their housing needs.</p> <p>The removal of the 'Second Succession' policy will afford all qualifying and eligible family members who have resided with a secure tenant, at minimum for at least 12 months before the tenant's death, a discretionary right to be considered for a new tenancy. This will ensure a consistent approach to the management of the council's tenancies and provide that family members who meet all the necessary qualifying criterion. The removal of the policy may be seen as a negative for those granted a tenancy before April 2012. It does however, place all tenants on an equal footing and removes the unintended consequence of homes being passed continually down through generations. Succession should be a 'one-time only' event, and the continuation of this present policy is at odds with the Localism Act (2011) – effectively meaning that no family member after this date could benefit from the second succession policy as no family members apart from a partner or spouse could qualify for a succession.</p> <p>The reality is that the council maintains a discretion for certain family members to succeed. In rescinding the 'second succession' policy, all tenants irrespective of when they were granted their tenancy will be treated the same and tenant's family members irrespective of when they started their tenancy may be considered. Continuing with the policy places the council at odds with most if not all other London authorities who have amended their tenancy agreement post 1st April 2012 to include a clause which will consider granting qualifying family members a right to succeed to the tenancy. Further, a failure to rebalance this inequality leaves the council in a position where it could be deemed to not be making the 'best use of its stock' in continuing with the second succession policy and so may be subject to action being taken by the Regulator of Social Housing by allowing a cohort of tenants to succeed a tenancy irrespective of need.</p>



		<p>This move will not only make the council's allocations scheme more equitable and transparent, but would allow the council to make the best use of its stock based on housing need</p>
<b>Gender</b>	<b>Positive</b>	<p>This proposal will have a positive impact on all tenants regardless of their gender. The strengthening of the council's rules on familial succession will allow the council to make the best use of social housing stock. Where a proposed successor qualifies and is eligible for social housing, but would be under-occupying a home, (where the property has more bedrooms than an applicant or their household needs), they will be made an offer on a more suitable property which meets their housing needs. Overcrowded families on the council's Common Housing Register will benefit from the re-circulation of homes back into the letting pool, particularly those in need of three/four+ bedroom properties. Applicants on the Common Housing Register seeking a home which has been adapted to meet a specific need will benefit where this property becomes available if the successor and their household do not have a need for this accommodation.</p> <p>Regardless of gender, family members of the deceased tenant who meet the eligibility and qualifying criterion for social housing, who have resided with the tenant in the twelve months prior to a tenant's death, will continue to benefit from the council using its discretion to afford the right of succession beyond those provided under the Localism Act.</p> <p>Removing the 'Second Succession' policy, which only applies to tenancies granted before 1<sup>st</sup> April 2012, will remove the disparity in the succession rights which is currently in place. At present, the council only offers family members of deceased tenants where the original tenancy was granted from April 2021, a discretionary right to succeed a tenancy. Removing the second succession policy and inserting a new clause on succession for family members (irrespective of when the original tenancy was granted) will ensure parity of treatment for all family members regardless of when the tenant was granted their tenancy.</p> <p>The removal of the 'Second Succession' policy will afford all qualifying and eligible family members who have resided with a secure tenant at minimum for at least 12 months before the tenant's death a discretionary right to be considered for a new tenancy. This will ensure a consistent approach to the management of the council's tenancies and provide that family members who meet all the necessary qualifying criterion are afforded some security. Further it will ensure that the council achieve the requirement of the Regulator of Social Housing (under the tenancy standard) to make the best use of its stock, by ensuring that the rare commodity of social housing goes to those families with the greatest housing need.</p>
<b>Religion or Belief</b>	<b>Positive</b>	<p>This proposal will have a positive impact on all tenants irrespective of their religion or belief. While the council are maintaining the discretion in the absence of a surviving spouse or partner to succeed a council tenancy, by clarifying the rules on when and how this may be granted will ensure that social housing is allocated appropriately while allowing the council to make the best use of social housing stock.</p> <p>Removing the 'Second Succession' policy will afford all qualifying and eligible family members who have resided with a secure tenant, at minimum for at least 12 months before the tenant's death, a discretionary right to be</p>

		<p>considered for a new tenancy. This will ensure a consistent approach to the management of the council's tenancies and provide that family members who meet all the necessary qualifying criterion. While would-be successors to those granted a tenancy before April 2012 may feel disadvantaged by the removal of the policy, it does however place all tenants on an equal footing and removes the unintended consequence of homes being passed continually down through generations.</p> <p>The continuation of this present policy is at odds with the Localism Act (2011) – effectively meaning that no family member after this date could benefit from the second succession policy as no family members apart from a partner or spouse could qualify for a succession. In rescinding the 'second succession' policy, all tenants irrespective of when they were granted their tenancy will be treated the same and tenant's family members irrespective of when they started their tenancy may be considered. Keeping the policy in place can leave the council open to challenge as the second succession policy can be seen as not 'not making the best use' of the council's housing stock. The Regulator of Social Housing will have greater powers to holding councils and registered providers to account as proposed in the (2020) White Paper 'A Charter for social housing residents' and will bring more inspection of how the council meets the consumer standards, of which the Tenancy Standard is one. It is therefore imperative that we remove any disparity which would hold the council in breach of the Tenancy Standard and places all tenants, irrespective on when their tenancy began, on an equal footing maintaining the statutory position on who can succeed a tenancy, applying discretion as appropriate and to ensure that homes go to those who need it most.</p>
<b>Sexual Orientation</b>	<b>Positive</b>	<p>This proposal will have a positive impact on all tenants regardless of their sexual orientation. While the council are maintaining the discretion in the absence of a surviving spouse or partner to succeed a council tenancy, by clarifying the rules on when and how this may be granted will ensure that social housing is allocated appropriately while allowing the council to make the best use of social housing stock.</p> <p>Managing succession applications with a clearer and equitable policy will allow the council to make the best use of its social housing stock as required under the Regulator of Social Housing's Tenancy Standard.</p> <p>In removing the 'Second Succession' policy, the council will afford all qualifying and eligible family members who have resided with a secure tenant, at minimum for at least 12 months before the tenant's death, a discretionary right to be considered for a new tenancy. This will ensure a consistent approach to the management of the council's tenancies and provide that family members who meet all the necessary qualifying criterion. While would-be successors to those granted a tenancy before April 2012 may feel disadvantaged by the removal of the policy, it does however place all tenants on an equal footing and removes the unintended consequence of homes being passed continually down through generations. Succession should be a 'one-time only' event, and the continuation of this present policy is at odds with the Localism Act (2011) – effectively meaning that no family member after this date could benefit from the second succession policy as no family members apart from a partner or spouse could qualify for a succession. In rescinding the 'second succession' policy, all tenants irrespective of when they were granted their tenancy will be treated the same and tenant's family members irrespective of when they started their tenancy may be considered.</p>
<b>Disability</b>	<b>Positive</b>	<p>This proposal will have a positive impact on all tenants with a disability. The strengthening of the rules around</p>

		<p>succession will ensure that specially adapted homes go to those residents and/or their households who require an adapted home. Where a property is relinquished in these circumstances, the property can be allocated to someone waiting on the Common Housing Register for an adapted home relatively quickly at minimum cost to the Housing Revenue Account.</p> <p>Continuing with the 'second succession' policy places the council at odds with most if not all other London authorities who have amended their tenancy agreement post 1st April 2012 to include a clause which will consider granting qualifying family members a right to succeed to the tenancy. Further, a failure to rebalance this inequality leaves the council in a position where it could be deemed to not be making the 'best use of its stock' in continuing with the second succession policy and so may be subject to action being taken by the Regulator of Social Housing by allowing a cohort to succeed a tenancy irrespective of need.</p> <p>This move will not only make the council's allocations scheme more equitable and transparent, but would allow the council to make the best use of its stock based on housing need</p>
<b>Gender Reassignment</b>	<b>Positive</b>	<p>This proposal will have a positive impact on all tenants. All tenants will benefit from the council strengthening the rules within the tenancy agreement on succession. This will ensure that much needed homes go to those who need it, preventing those who are under-occupying from gaining a home which exceeds their housing needs. It will allow these homes to circulate back into the churn of lets within the social housing stock.</p> <p>The 'second succession' policy creates a disparity in the treatment between those tenancies granted before and those granted after April 2012. The present policy is at odds and is inequitable to those whose tenancy was granted after the Localism Act (2011) took effect, meaning that no family member after this date could benefit from the second succession policy as no family members apart from a partner or spouse could qualify for a succession. In rescinding the 'second succession' policy, all tenants irrespective of when they were granted their tenancy will be treated the same and tenant's family members irrespective of when they started their tenancy may be considered.</p> <p>Keeping the policy in place can leave the council open to challenge as the second succession policy can be seen as not 'not making the best use' of the council's housing stock. The Regulator of Social Housing will have greater powers to holding councils and registered providers to account as proposed in the (2020) White Paper 'A Charter for social housing residents' and will bring more inspection of how the council meets the consumer standards, of which the Tenancy Standard is one. It is therefore imperative that we remove any disparity which would hold the council in breach of the Tenancy Standard and places all tenants irrespective of when their tenancies began on an equal footing maintaining the statutory position on who can succeed a tenancy, applying discretion as appropriate and to ensure that homes go to those who need it most.</p>
<b>Marriage and Civil Partnerships.</b>	<b>Positive</b>	<p>This proposal will have a positive impact on all tenants on their marital or civil partnership status. There is no qualitative or quantitative data to suggest that the strengthening around the rules of familial succession will have negative impact on tenants on account of their marital /civil partnership status. All tenants regardless of any</p>

		<p>protected characteristics will benefit from clarity on the rules concerning familial succession. While it can be seen as negatively impacting on those granted a tenancy prior to April 2012, all tenants will be treated the same irrespective of when their tenancy began and a discretionary succession may be considered for all tenants. The council will be making the best of its social housing stock and will prevent the unintended ambiguity which the second succession policy lends itself to; in that a tenancy, which should only by law be a 'one time' event, becomes a property which remains in a family's possession regardless of the proposed successor's housing needs.</p>
<p><b>Pregnancy and Maternity</b></p>	<p><b>Positive</b></p>	<p>This proposal will have a positive impact on all tenants who are pregnant and during maternity. The strengthened rules on familial succession, will provide clarity on how housing is allocated appropriately, provided a successor meets the council's eligibility criterion and after consideration of the housing needs of the proposed successor. It will allow the council to make the best use of the social housing stock which is available. Providing greater movement within the council's housing stock.</p> <p>Younger families on the council's Common Housing Register will benefit from the re-circulation of homes back into the letting pool, particularly those in need of three/four+ bedroom properties. Applicants on the Common Housing Register seeking a home which has been adapted to meet a specific need will benefit where this property becomes available if the successor and their household do not have a need for this accommodation.</p> <p>Family members will continue to benefit from the council using its discretion to afford the right of succession beyond those provided under the Localism Act. While the removal of the 'Second Succession' policy, will affect only those tenancies granted before April 2012, it will remove the disparity in the succession rights which is currently in place. At present, the council only offer family members of deceased tenants where the original tenancy was granted from April 2012, a discretionary right to succeed a tenancy. Removing the second succession policy and inserting a new clause on succession for family members (irrespective of when the original tenancy was granted) will ensure parity of treatment for all family members regardless of when the tenant was granted their tenancy.</p> <p>The removal of the 'Second Succession' policy will afford all qualifying and eligible family members who have resided with a secure tenant at minimum for at least 12 months before the tenant's death a discretionary right to be considered for a new tenancy. This will ensure a consistent approach to the management of the council's tenancies and provide that family members who meet all the necessary qualifying criterion are afforded some security. While the removal of the policy may be seen as having a negative impact on pre-April 2012 tenancies it will ensure that a tenancy is no longer being handed down through a family. Succession should be a one-time only occurrence to ensure a tenancy is not being handed down in perpetuity to a given household or family. In continuing the 'second succession' policy, the council are not making the best use of its social housing stock as required within the Regulator of Social Housing's Tenancy Standard. Removal of the policy will allow consideration of familial members housing needs which is vital as the availability of social housing has declined since the 'second succession' policy was originally approved. If the policy were to remain in place, the council will be challenged by the Regulator as the White Paper 'A Charter for social housing residents will see greater</p>

		<p>involvement and inspection of the consumer standards. It is therefore recommended that we remove any disparity which would hold the council in breach of the Tenancy Standard and place all tenants, irrespective of when their tenancy began, on an equal footing - maintaining the statutory position on who can succeed a tenancy while applying discretion as appropriate and to ensure that homes go to those who need it most.</p>
<p><b>Socio-economic</b></p>	<p><b>Positive</b></p>	<p>This proposal will have a positive impact on all tenants irrespective of any protected characteristics that they may identify with. By strengthening the rules concerning succession this will potentially reduce (over time) the number of tenants who are under-occupying their homes, freeing up much need larger family accommodation as well as homes that have been adapted to meet a tenant or a member of their households needs. The under-occupation of council homes can result in the successor being affected by the Bedroom Tax (also known as under occupancy charge or spare room subsidy which is applicable to tenants in receipt of Housing Benefit or the Housing Costs element of Universal Credit). This means that they may receive less in Housing Benefit or the Housing Costs Element in a Universal Credit claim if they are considered to have one or more spare bedrooms than what they and their household need. To mitigate this unintended impact of succession to a property where the proposed successor could be deemed as under-occupying, the council will move the under-occupied tenant into a smaller home (in the instance where the succession is not granted under the rule of survivorship – a spouse or civil partner will be entitled to remain in the property whether or not they are under-occupying a property). Consideration as to whether the home meets the housing needs of the proposed successor, in the instance where a property has specific adaptations and where this is still required by the successor and their household will enable the tenant or their household member to maintain their independence and not be disrupted by having to move to a less suitable property.</p> <p>It will enable applicants on the Common Housing Register to obtain homes sooner, enabling applicants to move out of the expensive private rented sector and potentially out of overcrowded homes where they may be residing with family and friends, enabling them to benefit from lower social housing costs. Managing succession applications with a clearer and more equitable policy will enable the council to make the best use of its social housing stock as required under the Regulator of Social Housing’s Tenancy Standard.</p> <p>Removing the ‘Second Succession’ policy will afford all qualifying and eligible family members who have resided with a secure tenant, at minimum for at least 12 months before the tenant’s death, a discretionary right to be considered for a new tenancy. This will ensure a consistent approach to the management of the council’s tenancies and provide that family members who meet all the necessary qualifying criterion. While would-be successors to those granted a tenancy before April 2012 may feel disadvantaged by the removal of the policy, it does however place all tenants on an equal footing and removes the unintended consequence of homes being passed continually down through generations. Succession should be a ‘one-time only’ event, and the continuation of this present policy is at odds with the Localism Act (2011) – effectively meaning that no family member after this date could benefit from the second succession policy as no family members apart from a partner or spouse could qualify for a succession. In rescinding the ‘second succession’ policy all tenants, irrespective of when they were granted their tenancy, will be treated the same alongside their family members who may be considered for a discretionary tenancy.</p>

## Section 4 – Mitigating Impacts and Alternative Options

**From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence or view that suggests that different equality or other protected groups (inc' staff) could be adversely and/or disproportionately impacted by the proposal?**

Yes No X

No, there are no negative impacts on any equality or protected groups. The proposal to remove the second succession policy will have a negative effect upon pre-2012 tenants who will lose their automatic right to a “second succession” (the granting of a fresh tenancy). Under these proposals, pre-2012 tenants will have the same right at post 2012 tenants: to be considered for a discretionary tenancy based on the eligibility under the council’s housing allocation scheme.

However, ALL tenants will be afforded the same discretionary rights for their family members to succeed to the tenancy on the death of the tenant where appropriate. It will enable the council to make the best use of its housing stock removing the unintended consequence which the second succession policy currently permits – of a home being handed down to family in perpetuity. The continuation of this policy, which was introduced in less challenging times, does not reflect where we are now; with social housing a limited resource which should be assessed on need thereby enabling the council to manage its housing stock appropriately.

## Section 5 – Quality Assurance and Monitoring

**Have monitoring systems been put in place to check the implementation of the proposal and recommendations?**

Yes X No

**How will the monitoring systems further assess the impact on the equality target groups?**

The monitoring of these proposals and their impact on tenancy management and sustainment will be used to inform future revisions of the council’s tenancy agreement. This information will be used to inform future operational practice to mitigate any unintended disproportionate consequences arising from the proposed revised tenancy agreement.

**Does the policy/function comply with equalities legislation?  
(Please consider the **OTH objectives** and **Public Sector Equality Duty** criteria)**

Yes X No

**If there are gaps in information or areas for further improvement, please list them below:**

There are data gaps in the data concerning the following protected characteristics:

- Sexual Orientation
- Gender Reassignment
- Marriage and Civil Partnerships
- Pregnancy and Maternity

## **How will the results of this Equality Analysis feed into the performance planning process?**

This equality analysis demonstrates that these proposed changes to the clauses on succession within the council's new tenancy agreement will benefit all secure tenants. It would be advantageous to record how many residents are refused a tenancy succession on the basis that they do not meet the qualifying criterion. Similarly, it would be useful to monitor where a successor qualifies but is not given a tenancy agreement for the property - on the basis that they or their household would be under-occupying the property or where the tenant/a member of the household no longer needs an adapted property, to inform future reviews on the council's tenancy agreement.

**Section 6 - Action Plan** N/A




*As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.*

<b>Recommendation</b>	<b>Key activity</b>	<b>Progress milestones including target dates for either completion or progress</b>	<b>Officer responsible</b>	<b>Progress</b>



Appendix A

**(Sample) Equality Assessment Criteria**

<b>Decision</b>	<b>Action</b>	<b>Risk</b>
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	<b>Suspend – Further Work Required</b>	Red 
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy.	<b>Further (specialist) advice should be taken</b>	Red Amber 
As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	<b>Proceed pending agreement of mitigating action</b>	Amber 
As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	<b>Proceed with implementation</b>	Green: 