

# Customer Access Review – Full Assessment

<b>Assessment details</b>	
<b>Assessment area</b>	Flexible Tenancies Review
<b>Date of assessment</b>	February 2021
<b>Directorate and Service</b>	Strategic Directorate (External Services), Housing Services
<b>Manager</b>	Housing Manager
<b>Officer conducting assessment</b>	Housing Policy & Development Officer
<b>Step 1: Scoping the assessment</b>	
<b>1. What are the aims and objectives of the activity or proposal?</b>	<p>Flexible tenancies are secure fixed term tenancies with a minimum of five years or two years in exceptional circumstances. Dartford Borough Council introduced flexible tenancies as part of its new Tenancy Policy in 2014. As from that date, most new tenants have been granted a twelve-month introductory tenancy, followed by a flexible tenancy of five years. Existing tenants retained their secure lifetime periodic tenancy.</p> <p>A review of flexible tenancies has been carried out to assess what benefits and disadvantages these types of tenancies have brought to both the Council and its tenants; and to consider the merit for their continuation as part of Council policy. The review has recommended ending the use of flexible tenancies and replacing them with lifetime tenancies for existing and new tenants. This Customer Access Review has been undertaken to assess what impact the change in Council policy to end the use of flexible tenancies will have on affected current tenants and future tenants with protected characteristics.</p>
<b>2. Who will be affected by the activity or proposal?</b>	All existing and future Council tenants.
<b>3. How does the activity or proposal contribute to: a) any key performance indicators? b) policies, values or objectives of Dartford Borough Council?</b>	<p>a) The Housing Service monitors the number of applicants on the Housing Register, which is reported under the Corporate Plan. There are no specific key performance indicators regarding flexible tenancies.</p> <p>b) The allocation of Council housing contributes to the Corporate Plan strategic aims of ‘facilitating quality, choice and diversity in the housing market, assisting in meeting housing need in Dartford and delivering high quality services to service users’ and ‘creating strong and self-reliant communities’.</p>
<b>4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?</b>	The Localism Act 2011 gave local authorities the discretionary power to offer flexible tenancies to new tenants after 1 April 2012. The aim of flexible tenancies is to give social landlords greater freedom to manage their housing stock by ensuring that social housing is allocated to those who need it the most for as long as they need it. Flexible tenancies enable a review of the tenant’s circumstances to identify the most suitable housing option at the end of the fixed term, which may include moving on from social housing into

# Customer Access Review – Full Assessment

<b>Step 1: Scoping the assessment</b>	
	<p>the private or home ownership sector, thereby freeing up much needed and limited stock for others who need it.</p> <p>The Localism Act 2011 also placed a requirement on local authorities to adopt Tenancy Strategies and Tenancy Policies in order to grant flexible tenancies. The Council’s current Tenancy Strategy sets out the Council’s overall strategy and objectives for managing its tenancies, including an objective for the Council to commence the use of flexible tenancies. The current Tenancy Policy sets out in detail how flexible tenancies work in practice.</p> <p>Under the current Tenancy Policy:</p> <ul style="list-style-type: none"> <li>• All new tenants are given a twelve-month introductory tenancy. Following successful completion of the introductory tenancy, a flexible tenancy of five years is given.</li> <li>• The flexible tenancy is reviewed at least nine months before the tenancy is due to end. This includes carrying out an assessment of the household’s circumstances and income.</li> <li>• Under the review, Council has discretion to decide whether to give the tenant a new flexible tenancy of five years (in exceptional circumstances a new two year flexible tenancy may be given if there have been persistent minor breaches of the tenancy agreement), or to end the tenancy and provide advice and assistance in finding an alternative home.</li> <li>• The Council uses its discretion to allow some exceptions where at the end of the introductory tenancy period a lifetime tenancy will be granted to certain qualifying households. These include:             <ul style="list-style-type: none"> <li>- People entering Council housing schemes for older people</li> <li>- Older people in receipt of state pension in general needs accommodation</li> <li>- In-service and ex-service armed and reserve forces personnel who are suffering from a serious injury, illness or disability wholly or partly attributable to their service</li> <li>- Bereaved spouses or civil partners who will cease to be entitled to reside in Ministry of Defence accommodation</li> <li>- Certain categories of disabled applicants</li> <li>- Households where the applicant or spouse is terminally ill.</li> </ul> </li> </ul>
<b>Step 2: Information collection</b>	
<p><b>5. What do you know about the groups of people who will be affected? (i.e. demographic</b></p>	<p>Since their introduction in May 2014, the Council has issued 679 flexible tenancies.</p>

# Customer Access Review – Full Assessment

Step 1: Scoping the assessment	
<p>information in relation to the protected characteristic groups of age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment, marriage and civil partnership)</p>	<p>There are currently 100 introductory tenants that will be due for a review of their tenancies at the end of their twelve-month trial period.</p> <p>Of the 779 current flexible and introductory tenants (based on Tenant 1 data):</p> <ul style="list-style-type: none"> <li>• 67% are female and 33% are male.</li> <li>• 68% of tenants are from a White ethnic group and 17% are from a Black Minority Ethnic (BME) group. The ethnic group of 15% of flexible and introductory tenants is unknown.</li> <li>• 26% have a disability.</li> </ul> <p>Of the 1,940 total occupants within the current 779 flexible and introductory tenancies:</p> <ul style="list-style-type: none"> <li>• 41% are aged under 16</li> <li>• 13% are aged 16 to 24</li> <li>• 41% are aged 25 to 54</li> <li>• 4% are aged 55 to 64</li> <li>• 1% are aged over 65</li> </ul>
<p><b>6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings</b></p>	<p>Internal consultation has been undertaken on the Flexible Tenancies Review. The decision to no longer issue flexible tenancies is at the Council’s discretion.</p> <p>In terms of consulting tenants who will be affected by this change in policy the Council will need to consult each affected flexible tenant on an individual basis to arrange a surrender and re-grant of the tenancy.</p> <p>In modifying the Council’s Tenancy Strategy there is an obligation to consult with a range of stakeholders before the Policy is approved and implemented.</p>
<p><b>7. Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?</b></p>	<p>None. Recent Customer Access Reviews on the Rent Arrears Policy and Anti-Social Behaviour Policy have identified that there are a proportion of tenants where their ethnic origin is unknown and there is limited information to inform assessments on the protected characteristics of gender reassignment, religion and sexual orientation. These reviews have instigated actions to improve the collection of this information.</p>

# Customer Access Review – Full Assessment

## Step 3: Assessing the equality impact

8. Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the Public Sector Equality Duty:

- a) tackling unlawful discrimination
- b) promoting equality of opportunity
- c) promoting good relations

NOTES:

- The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration
- For existing activities, consider how they are working in practice for each relevant protected group
- For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group
- If there is no identified equality impact, please tick the 'No Impact' box and explain why in question 9
- If the equality impact is unclear, please tick the 'Unknown' box and explain why in question 9

## Step 3: Assessing the equality impact

PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age	<p><b>Families with children</b> – 41% of occupants within current flexible and introductory tenancies are children under the age of 16.</p> <p>Insecurity of tenure and successive relocations may have negative implications for children in terms of education. By issuing lifetime tenancies to all existing and new tenants, families with children of school age will benefit from having a tenancy that will last the duration of them being in school.</p> <p><b>Older people</b> – Under the current Tenancy Policy, all new tenants who are eligible to enter into a Council owned housing scheme for older people (aged 55 plus with a need for enhanced</p>	<p><b>Older people</b> – Having a lifetime tenancy can contribute to an imbalance between the size of households and the homes in which they live in, creating over time under occupation. Older people are much more likely to under occupy their property once their children have left home. To offset this balance, the Council operates a Downsize for Cash Scheme where under occupying tenants who apply, are placed in Band A of the Housing Register and can receive a financial incentive if they successfully bid for a smaller property.</p>	<input type="checkbox"/>	<input type="checkbox"/>

# Customer Access Review – Full Assessment

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	<p>housing management) and older people in receipt of a state pension who occupy a general needs property, will be granted a lifetime tenancy.</p> <p>1% of current flexible and introductory tenants are aged over 65. By issuing lifetime tenancies to all existing and new tenants, older tenants not in receipt of a state pension will benefit from having a lifetime tenancy.</p>			
<b>Disability</b>	<p><b>Disabled people</b> – Under the current Tenancy Policy, certain categories of people with a disability or illness are granted a lifetime tenancy:</p> <ul style="list-style-type: none"> <li>– In-service and ex-service armed and reserve forces personnel who are suffering from a serious injury, illness or disability wholly or partly attributable to their service</li> <li>– Certain categories of disabled applicants</li> <li>– Households where the applicant or spouse is terminally ill</li> </ul> <p>There are certain criteria to decide the type of tenancy granted to disabled applicants as outlined in Annex 2 of the current Tenancy Policy.</p> <p>26% of current flexible and introductory tenants have a disability. By issuing lifetime tenancies to all existing and new tenants, disabled tenants</p>		<input type="checkbox"/>	<input type="checkbox"/>

# Customer Access Review – Full Assessment

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	who did not previously meet the criteria will benefit from having a lifetime tenancy.			
Sex			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion/Belief			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and Civil Partnership*			<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Regarding the protected characteristic of Marriage and Civil Partnership – public bodies need to comply with the first aim of the Public Sector Equality Duty and only in the context of employment.

Step 3: Assessing the equality impact	
9. If 'no impact' or 'unknown' was selected, please explain	<p>This assessment does not consider that the proposal to end the use of flexible tenancies will have a differential impact on the basis of gender, gender reassignment, race, religion and belief, sexual orientation, or pregnancy and maternity.</p> <p>With regards to the protected characteristic group of marriage and civil partnership, under the current Tenancy Policy, bereaved spouses or civil partners who will cease to be entitled to reside in Ministry of Defence accommodation will be granted a lifetime tenancy. The decision to end the use of flexible tenancies would have no impact on this particular group as they would not be affected by a change in policy to end the use of flexible tenancies.</p>
10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise	Not applicable.

## Customer Access Review – Full Assessment

<b>Step 3: Assessing the equality impact</b>	
<b>to positive or negative equality impacts between different groups</b>	
<b>11. Any other comments</b>	<p>The recommended change in policy to end the use of flexible tenancies should not have a direct negative impact overall. There may be positive impacts whereby the granting of lifetime tenancies to all tenants will give security and stability to allow them to put down firm roots in the community thereby contributing towards fostering good relations and promoting strong and successful communities. It will in particular give stability to vulnerable tenants, all categories of disabled tenants and older tenants, and families and their children’s schooling.</p> <p>If tenancies are no longer issued on a fixed term basis, this removes the process of undertaking reviews during the tenancy to inform decisions on whether to not renew tenancies due to a change in circumstances. Taking away the review process will therefore remove any potential to treat individuals differently or disproportionately.</p> <p>One of the aims of flexible tenancies was to give social landlords greater freedom to manage their housing stock by ensuring that social housing is allocated to those who need it the most for as long as they need it. The review has found that there has been little change in household circumstances in the first tranche of flexible tenancies, which has not led to the freeing up of housing stock. This has had an unintended impact on the ability to further assist other households in need; a consequence that has been outside the control of the Council. There has also been recognition by the Government of the importance of housing stability for those who rent in the social housing sector. The Government has therefore abandoned their plans for making it mandatory for local authorities to offer new tenants fixed term tenancies in most circumstances.</p>

# Customer Access Review – Full Assessment

## Step 4: Action plan

12. Based on the information in Steps 1 to 3, please list the actions that will be taken to address:  
 a) any gaps in information and consultation  
 b) how any negative impacts on equality will be mitigated or eradicated

a) If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?

Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					

b) If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?

Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					

## Step 5: Decision making and future monitoring

13. Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?	Strategic Director (External Services)
14. Is the subject of the Customer Access Review going to committee? If yes, include your findings in the committee report and attach this assessment to the report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
15. How will you continue to monitor the activity or proposal on protected characteristic groups?	The Council will review its Tenancy Strategy and Tenancy Policy every three years or earlier to address legislative, regulatory, best practice or operational issues.
16. When will you review this Customer Access Review?	New assessments will be undertaken as and when the Tenancy Strategy and Tenancy Policy are reviewed and updated.

## Step 6: Final steps

17. Once this Customer Access Review has been approved, send this assessment to the Policy & Projects Officer  
 18. Implement the actions identified from this Customer Access Review and ensure progress is monitored and recorded