

Customer Access Review – Full Assessment

Assessment details	
Assessment area	Housing Assignment Policy
Date of assessment	October 2022
Directorate and Service	Housing & Public Protection, Housing Services
Manager	Housing Policy & Development Manager / Tenancy Services Manager
Officer conducting assessment	Senior Housing Policy & Performance Officer
Step 1: Scoping the assessment	
1. What are the aims and objectives of the activity or proposal?	<p>The Housing Assignment Policy sets out Dartford Borough Council’s policy and approach towards statutory and non-statutory assignments; in order that a fair and transparent service is provided to Council tenants.</p> <p>An assignment is where a tenancy is transferred to another person. The incoming tenant (assignee) 'steps into the shoes' of the outgoing tenant (assignor) and occupies under the same terms, taking on the rights and responsibilities of the tenancy.</p> <p>Section 91 of the Housing Act 1985 allows assignment under the following three grounds:</p> <ul style="list-style-type: none"> • Assignment by way of exchange (mutual exchange) • Assignment to someone who would be qualified to succeed the tenant on the tenant’s death • Where a court makes a Property Transfer Order in connection with matrimonial proceedings or civil partnership proceedings, or proceedings under the Children Act 1989. <p>The policy has been reviewed to ensure it remains up to date and this Customer Access Review has been carried out in conjunction with the review. The main updates and additions to the policy include the following:</p> <ul style="list-style-type: none"> • Clarification on the ways that mutual exchanges can be carried out i.e. through assignment and through surrender and re-grant • Minor amendments as a consequence of the Council’s decision to end the granting of flexible tenancies • Clarification of the circumstances in which statutory succession is allowed pre-April 2012 and the circumstances in which statutory succession is allowed post-April 2012 due the introduction of the Localism Act 2011 • Clarification of ‘survivorship’ where if one joint tenant dies, the tenancy will automatically pass to the remaining tenant • Updated equality and diversity section

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	<ul style="list-style-type: none"> • New data protection section • Amendment of the policy review frequency from ‘regular review’ to every three years • Minor amendments to Appendix A setting out the legislative framework regarding reasons for refusal of a mutual exchange
2. Who will be affected by the activity or proposal?	<p>The Housing Assignment Policy will affect tenants of Dartford Borough Council; occupiers who may be eligible to have a tenancy assigned to them; and tenants of other social landlords who may be mutually exchanging with Council tenants.</p>
3. How does the activity or proposal contribute to: a) any key performance indicators? b) policies, values or objectives of Dartford Borough Council?	<p>a) The Housing Assignment Policy does not contribute to any key performance indicators.</p> <p>b) The Housing Assignment Policy contributes to the Corporate Plan Strategic Aim to facilitate quality, choice and diversity in the housing market, assist in meeting housing need in Dartford and deliver high quality services to service users.</p>
4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?	<p>The Housing Assignment Policy and its delivery is intended to be compatible with the Council’s obligations consequent to all relevant legislation and statutory guidance, but not limited to:</p> <ul style="list-style-type: none"> • Housing Act 1985 • Housing Act 1996 • Localism Act 2011 • Equality Act 2010 • Data Protection Act 2018 • UK GDPR <p>Statutory assignments are dictated by legislation (Housing Act 1985 and Localism Act 2011) and so the criteria is strictly prescribed.</p> <p>In the case of statutory rights for succession, where a tenancy started before April 2012, the Housing Act 1985 allows for one statutory succession on the tenant’s death in the following circumstances:</p> <p>i. If a sole tenancy had been granted, when the tenant dies the tenancy will pass to tenant’s spouse or civil partner as long as that person was living in the property as their only or principle home at the time of the sole tenant’s death</p>

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	<p>ii. If sole tenancy has been granted and the tenants does not have a spouse or civil partner, the tenancy can pass to a member of their family (parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece) if:</p> <ul style="list-style-type: none"> • that family member has lived in the property as their only r principle home at the time of the sole tenant’s death, and • that family member has lived there for more than twelve months. <p>Where a tenancy started after April 2012, the Localism Act 2011 allows for one statutory succession on the tenant’s death in the following circumstances:</p> <p>i. If a sole tenancy had been granted, when the tenant dies the tenancy will pass to tenant’s spouse or civil partner as long as that person was living in the property as their only or principle home at the time of the sole tenant’s death.</p> <p>Section 86A of the Housing Act 1985 (inserted by Section 160 of the Localism Act 2011) states that non-statutory (or ‘discretionary’) succession may be offered in some circumstances where an occupier has been living with a tenant but has no statutory right to succeed, and no contractual right to succeed for secure (or housing association assured) tenancies created on or after April 2012.</p> <p>Non-statutory succession rights are included in the Council’s current secure tenancy agreement. This includes that, <i>although a second or further succession is not possible by law, we may pass the tenancy to a relative, such as the tenant’s spouse, in certain circumstances. The decision to pass the tenancy is at our sole discretion.</i> Non-statutory assignment is further included in the Housing Assignment Policy, as follows:</p> <p><i>The Council will consider the needs of applicants who have been living with a tenant, who have no statutory right to succeed but where it would be appropriate to make them an offer of permanent accommodation.</i></p> <p><i>The needs of such applicants will be considered on a case by case basis. The decision taken will take account of others in housing need who are registered for housing with the Council and may include the following:</i></p> <ul style="list-style-type: none"> • <i>There is neither a spouse nor family member to succeed, but a friend or carer has lived in the home for at least 12 months leading up to the date of assignment and can demonstrate that it is their principle home.</i>

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	<ul style="list-style-type: none"> • <i>There are children under the age of 18 who wish to live with a guardian who has no alternative accommodation.</i> • <i>The applicant is vulnerable, because of age or ill health.</i> • <i>The right of succession has already been used but under certain circumstances the tenancy may be passed on again to a relative, such as the tenant’s spouse.</i> <p><i>Agreement to a non-statutory succession will create a new tenancy. The tenancy offered will be an introductory tenancy either of the property previously occupied by the deceased tenant, or another property suitable to their needs.</i></p>
Step 2: Information collection	
5. What do you know about the groups of people who will be affected? (i.e. demographic 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><u>HOUSING SERVICES – PROFILE OF TENANTS</u></p> <p>The Council provides accommodation for 5,126 tenants in general needs accommodation and housing scheme accommodation for older people in 11 schemes supporting 489 tenants. Information in relation to the protected characteristics of tenants is captured by the service, as follows:</p> <ul style="list-style-type: none"> • Gender – 64.28% tenants are female and 35.62% tenants are male (0.10% unknown). • Age – 1.60% of tenants are aged under 25; 49.63% are aged 25 to 55 years; 20.50% are aged 66 to 65 years; and 28.27% are aged 65 years and over. • Ethnicity – 54.92% of tenants are from a White ethnic group and 19.29% are from a Black Minority Ethnic (BME) group. The ethnic group of 25.79% of tenants is unknown. The Other ethnic group is the largest BME group with 12.62% tenants, the majority of which are within the European Non Irish group. • Disability – 17.30% of tenants have a disability (no data on disability recorded for 82.70% of tenants).
6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings	<p>Internal consultation on the draft updated Housing Assignment Policy has been undertaken.</p>

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Step 2: Information collection	
<p>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?</p>	<p>The Council is committed to ensuring the voice of its tenants and leaseholders is heard on matters that affect them. The Regulator of Social Housing places a requirement on social housing landlords to comply with the Tenant Involvement and Empowerment Standard 2017, by ensuring that residents are given a wide range of opportunities to influence and be involved in the formulation of their landlord’s housing-related policies and strategies. Consultation with Council tenants and leaseholders will be undertaken, as follows:</p> <ol style="list-style-type: none"> 1. All Council tenants and leaseholders will be invited to comment on the draft policy. 2. The Dartford Tenants’ and Leaseholders’ Forum (DTLF) will be invited to comment on the draft policy. The DTLF aims to ensure that the services delivered by the Council are accessible to all. The Forum works as a group to ensure that the views and housing needs of residents are recognised and addressed by the Council, and that those needs and views are placed at the centre of housing services delivery. 3. The Housing Advisory Board (HAB) will be invited to comment on the draft policy. The HAB considers reports on proposed policy, strategy and performance in relation to housing issues and makes recommendations to Cabinet as appropriate. The HAB includes representation from Council officers, elected Members and DTLF members.
Step 3: Assessing the equality impact	
<p>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:</p> <p>a) tackling unlawful discrimination b) promoting equality of opportunity c) promoting good relations</p> <p><u>NOTES:</u></p> <ul style="list-style-type: none"> • 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 	

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age	<p>Non-statutory succession Non-statutory succession may include where there are children under the age of 18 who wish to live with a guardian who has no alternative accommodation; and where the applicant is vulnerable, because of age.</p>		<input type="checkbox"/>	<input type="checkbox"/>
Disability	<p>Non-statutory succession Non-statutory succession may include where the applicant is vulnerable, because of ill health.</p> <p>Communication needs The Housing Assignment Policy recognises that it is important that people with specific communication needs can obtain support for this when accessing the Housing Service. In accordance with the Council’s Equality & Diversity Document Framework, the Tenancy Fraud Policy and information about the services provided by the Council in response to preventing and tackling tenancy fraud, can be provided in alternative formats, including: Braille, audio tape and large print versions of documents. Sign Language interpreting services can be provided upon request. Calls can also be received via Relay UK.</p>		<input type="checkbox"/>	<input type="checkbox"/>
Sex			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<p>Communication needs The Housing Assignment Policy recognises that it is important that people with specific</p>		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	communication needs can obtain support for this when accessing the Housing Service. In accordance with the Council's Equality & Diversity Document Framework, the Tenancy Fraud Policy and information about the services provided by the Council in response to preventing and tackling tenancy fraud, can be provided in alternative formats, including documents translated into other languages. Telephone and face-to-face language interpreting can also be provided upon request.			
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*	<p>Statutory succession A civil partner has the same statutory rights to succeed to a secure tenancy as a spouse.</p> <p>Non-statutory succession Non-statutory succession may include where the right of succession has already been used but under certain circumstances the tenancy may be passed on again to a relative, such as the tenant's spouse.</p>		<input 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.

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Step 3: Assessing the equality impact	
<p>9. If 'no impact' or 'unknown' was selected, please explain</p>	<p>There are no known circumstances where the Housing Assignment Policy will have a disproportionate equality impact on the protected characteristic groups of sex, gender reassignment, religion/belief, sexual orientation, or pregnancy/maternity. Applications are determined irrelevant of the addition of any of these protected characteristics.</p>
<p>10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups</p>	<p>The Council will work with other local authority landlords, Registered Social Landlords and Housing Trusts during the process of administering mutual exchanges. There are no known circumstances where these partnership working arrangements will have a disproportionate equality impact on the protected characteristic groups other than to positively allow more efficient use of the housing stock by meeting the needs and preferences of tenants.</p>
<p>11. Any other comments</p>	<p>The Housing Assignment Policy aims to have a positive impact on applicants as it ensures that the succession and assignment of council owned property complies with national legislation and statutory guidance; and, offers transparency and clarification to staff and tenants on the circumstances where succession will be granted or refused.</p> <p>Complaints process Any tenant who is not satisfied with the service they have received regarding an application for assignment or who believes they have been discriminated against can make a formal complaint to the Council using the corporate complaints process.</p>

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Step 3: Assessing the equality impact

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
Views from all Council tenants on the Draft Housing Assignment Policy	Invite comment and input on the draft policy from all Council tenants	Feedback will, at a formative stage, inform any further changes that may be required to the draft policy in advance of seeking approval for the policy	January/February 2023	Details of the consultation and any amendments made to the draft policy as a result of the consultation will be included in the Cabinet report	Senior Housing Policy & Performance Officer
Views from the Dartford Tenants' and Leaseholders' Forum on the draft Housing Assignment Policy	Invite views on the draft Housing Assignment Policy from the Dartford Tenants' and Leaseholders' Forum	Feedback will, at a formative stage, inform any further changes that may be required to the draft policy in advance of seeking approval for the policy	January/February 2023	Details of the consultation and any amendments made to the draft policy as a result of the consultation will be included in the Cabinet report	Senior Housing Policy & Performance Officer
Views from the Housing Advisory Board on the draft Housing Assignment Policy	Invite views on the draft Housing Assignment Policy	Feedback will, at a formative stage, inform any further changes that may be required to the draft policy in advance of seeking approval for the policy	April 2023	Details of the consultation and any amendments made to the draft policy as a result of the consultation will be included in the Cabinet report	Senior Housing Policy & Performance Officer

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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?	Director of Housing & Public Protection
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 Housing Assignment Policy every three years or earlier to address legislative, regulatory, best practice or operational issues.
16. When will you review this Customer Access Review?	The Housing Assignment Policy will be reviewed every three years and a new Customer Access Review will be undertaken at the same time.

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

Reviewed by Legal Services: 19 January 2023

Reviewed by Director of Housing & Public Protection: 24 January 2023