

Customer Access Review – Full Assessment

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| Assessment details | |
| Assessment area | Decant Policy |
| Date of assessment | January 2023 |
| Directorate and Service | Housing and Public Protection, Housing Services |
| Manager | Housing Policy & Development Manager |
| Officer conducting assessment | Housing Policy & Performance Officer |
| Step 1: Scoping the assessment | |
| 1. What are the aims and objectives of the activity or proposal? | <p>There may be situations or circumstances where residents of Dartford Borough Council will lose their home permanently due to the demolition, redevelopment, re-designation of, or similar works to that dwelling. Council tenants may also be decanted temporarily due to necessary works which need to be undertaken, such as planned work or due to an emergency situation.</p> <p>The Decant Policy aims to provide a thorough understanding of the decant process, setting out what levels of compensation might be offered and the practical help that the Council can provide to any residents that might be affected. The Policy also aims to provide guidance for the Council when prioritising rehousing for decanted residents. The Policy recognises the huge impact that moving home can have on people’s lives, especially where the move is not through choice.</p> <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"> • 2.1, Paragraph 2 – Removed text on pursuing a compulsory purchase order when a voluntary agreement on the period of notice cannot be reached. More information has been added on pursuing an Order for Possession of the property when voluntary agreement isn’t reached. • 3.9 – Removed text stating that tenants can end their garage tenancy temporarily to instead say tenants will be entitled to a discretionary rent free period until they return home. • 4.3 – Amended text to say that we have a statutory obligation to consult with leaseholders, rather than saying we do not. • 5.12 – A line has been added in to clarify what priority decanted tenants will be given when applying for a new property. • 7.5 & 7.6 - The Home Loss Payments amounts have been updated (home loss compensation minimum amount £7,800 and maximum amount £78,000). • 9.2 – Amended notice period from one week to one month, in line with SPS (the management company that deals with our garages). |

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| | <ul style="list-style-type: none"> • 9.3 – Amended wording to say that garage tenancies can remain for temporary decants, rather than saying the tenancy can be ended. • Sections added in on Data Protection, Equality & Diversity and Complaints. • Some re-numbering of paragraphs. |
| 2. Who will be affected by the activity or proposal? | <p>The Policy will affect tenants and leaseholders of Dartford Borough Council, as well as owners of property and private tenants living within the borough and private landlords.</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) There are no key performance indicators specific to the Decant Policy.</p> <p>b) The Decant Policy contributes to the Corporate Plan strategic aim of ‘facilitating 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 Decant Policy and its delivery is intended to be compatible with the following relevant legislation and regulation:</p> <ul style="list-style-type: none"> • The period of notice for households will be as long as possible and comply with any such legal requirements in place at the time (para 2.1.). • With Council tenants, where a voluntary agreement on the notice period cannot be reached, the Council will decide whether to pursue an Order for Possession of the property. Current legislation governing this is the Housing Act 1985 – grounds 10 or 10A of Schedule 2 (para 2.1.). • For owners of property and private tenants, unless a voluntary agreement on the notice period has been reached with them, the Council will decide whether to pursue a Compulsory Purchase Order. If the Council does this, then it will comply with current legislation covering the use of Compulsory Purchase Orders under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 (para 2.1.). • The ‘right to buy’ of any affected Council housing stock will be suspended from the date an initial demolition notice is serviced on the Council tenant(s) concerned and will stay suspended for as long as the notice remains in force. This is in line with the Housing Act 2004, sections 182 and 183 (para 2.4.). • The serving of a final demolition notice, under Section 182 of the Housing Act 2004, extinguishes the ‘right to buy’ these properties completely (para 2.5.). |

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| | <ul style="list-style-type: none"> • In the ‘right to buy’ process, the tenant may have a right to compensation for certain expenses already incurred in the right to buy process. The Council will pay these expenses where required to by current legislation, currently the Housing Act 2004 (para 2.6). • It may only be necessary to move tenants temporarily whilst works are being carried out. If a tenant fails to give up possession of temporary accommodation the Council has Grounds for Possession under Ground 8 of Schedule 2 to the Housing Act 1985 (para 3.10). • For permanent decants, Part 5, section 105 of the Housing Act 1985 (as amended) covers “consultation on matters of housing management” with Council tenants. This includes the decommissioning of Council housing stock (para 4.2.). • If possession proceedings are being brought under Ground 10A of the Housing Act 1985 (as amended), i.e. “The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State”. The Council will consult with tenants as a pre-condition of obtaining approval of the scheme concerned. As part of this process a written notice of the scheme will be served on every affected tenant under Schedule 2, Part 5 of the Housing Act 1985 (as amended) (para 4.2.). • For permanent decants, the Council, as landlord, has a statutory obligation to consult with leaseholders before entering a quantifying long-term agreement or carrying out quantifying works, under the Commonhold and Leasehold Reform Act 2002 s151 (para 4.3). • Home loss compensation will be paid to a tenant or owner occupier according to the Land Compensation Act 1973 and the Planning Compensation Act 1991 and the Home Loss Payments (Prescribed Amounts) (England) Regulations (para 7.2.). • Where the Council requires a tenant or owner occupier to move home to enable the decommissioning of Council property, it will in most cases pay a disturbance allowance in accordance with current legislation. Currently, this is under the Land Compensation Act 1973 (para 7.8). • The UK GDPR and the Data Protection Act 2018 regulates processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information for the purpose of carrying out the functions within the Policy (para 11.1). • The Equality Act 2010 places a duty on the Council having regard to the Public Sector Equality Duty (para 12.1). |

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| <p>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> | <p>Dartford population profile</p> <ul style="list-style-type: none"> • Gender – There are slightly more female residents than male residents in Dartford where 51% are female and 49% are male, which is the same as the overall England ratio of females and males • Age – The median age in Dartford is 37 years, which is slightly lower than the overall England mean age of 40 years. 21.1% of Dartford’s population is aged 14 years or under. This is followed by residents aged 35 to 44 years (15.7%), 25 to 34 years (15.2%), 45 to 54 years (13.3%), 55 to 64 years (10.8%), 15 to 24 years (10.2%), 65 to 74 years (7.4%), and aged 75 years and over (6.4%) • Ethnicity – The largest ethnic group that people in Dartford identify with is White at 74.5%. This is followed by Black, Black British, Black Welsh, Caribbean or African (10.50%), Asian, Asian British or Asian Welsh (9.90%), Mixed or Multiple ethnic groups (3.10%), and Other ethnic groups (2.00%) • Disability – 15.9% of Dartford’s population are disabled. Of this, 6.6% of people’s activities are limited a lot and 9.3% of people’s activities are limited a little. • Religion – 48.1% of Dartford’s population connect or identify with the Christian religion, followed by 3.8% Hindu, 3.5% Muslim, 1.7% Hindu, 0.6 Buddhist, 0.1% Jewish, 0.4% other religion. 36.5% of Dartford’s population did not connect or identify with any religion and 5.3% did not answer this question in the Census. • Sexual orientation – 91.2% of Dartford’s population aged 16 years and over identified as straight or heterosexual. 1.5% described themselves as gay or lesbian. 0.91% described themselves as bisexual. 0.14% described themselves as pansexual; 0.03% described themselves as asexual; 0.00% described themselves as queer. 0.01% described themselves as ‘other sexual orientation’. 6.54% did not answer this question in the Census. <p>(Source: Census 2021, Office for National Statistics)</p> <p>Tenant profile</p> <p>The Council currently owns and manages 3,778 general needs properties and 454 housing scheme properties for older people. Information in relation to the protected characteristics of Council tenants is captured by the service, as follows:</p> <ul style="list-style-type: none"> • Gender – 65% tenants are female and 35% tenants are male. • Age – 6.45% of tenants are aged up to 35 years; 35.44% are aged 35 to 55 years; 34.40% are aged 55 to 75 years; and 13.71% are aged 75 years plus. • Ethnicity – 61% of tenants are from a White ethnic group and 19% are from a Black Minority Ethnic (BME) group. The ethnic group of 20% of tenants is unknown. The Other ethnic group is the largest BME group with 11.89% tenants, the majority of which are within the European Non Irish group. • Disability – 19.95% of tenants have a disability and 80.05% do not have a disability. |

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| Step 2: Information collection | |
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| <p>6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings</p> | <p>Internal consultation on the draft updated Decant Policy has been carried out with Council officers.</p> <p>Consultation for Decants</p> <p>Tenant and resident consultation and involvement will fulfil any legislative requirements. In a non-emergency situation, the consultation will be completed before it is necessary for anyone to move. Major decant projects (i.e. those involving more than four properties) will involve Local Borough Councillors where they will be invited to any formal consultation meetings with residents. The outcome of the consultation will be reported back to tenants and residents in an appropriate format, and without identifying comments made by individual respondents.</p> <p>Any provision of information to tenants and residents will be done in line with legislative requirements. In general, it is expected that an open meeting(s) for all residents, with carers, family members, or advocates as necessary, will be held. Information will also be provided in writing and, as required, in other accessible formats. Carers, family members or advocates can receive a copy of any correspondence, and information provided, with the formal consent of the resident concerned.</p> |
| <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 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 tenants 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 will be undertaken, as follows:</p> <ol style="list-style-type: none"> 1. All Council tenants will be invited to comment on the draft Decant Policy. 2. The Dartford Tenants’ and Leaseholders’ Forum (DTLF) will be invited to comment on the draft Decant 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 Decant 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. |

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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>Care packages The Council will work with Social Services and/or relevant agencies to ensure that all elements of any care package remain intact during and after the move. This could include, for example, day centre care or community nurse visits.</p> <p>Older disabled residents in specially adapted homes The Council will ensure that all required adaptations are made to the new property before the tenant moves in. Housing Needs assessments will be done at the earliest possible stage to establish whether households will need adaptations to be made to their next home. The decision on what adaptations, if any, are needed is the responsibility of the Council, in</p> | <p>Health and wellbeing Older residents living in affected properties who need to move might be negatively affected due to the potential impact of the decant process on their health and wellbeing.</p> <p>The Decant Policy includes a range of measures that aim to mitigate the impact of the move for residents (for example, financially through home loss compensation or disturbance payments). Support is provided to older residents during the decant process, as set out in the 'positive impacts' column.</p> | <input type="checkbox"/> | <input type="checkbox"/> |

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| Step 3: Assessing the equality impact | | | | |
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| PROTECTED CHARACTERISTIC | POSITIVE IMPACTS | NEGATIVE IMPACTS | NO IMPACT | UNKNOWN |
| | <p>consultation with a designated Occupational Therapist.</p> <p>Where disturbance payments are made and anyone in the household has disabled facilities, the disturbance payment should also cover the costs of providing/retrofitting disabled facilities in the new property.</p> <p>In exceptional circumstances, for example a household with exceptional needs arising from a physical, sensory, or mental impairment, consideration will be given to paying for other exceptional items on an individual basis.</p> <p>Advising organisations of a new address If a tenant has moved into accommodation designated for older people, then the Housing Scheme Officer will support and assist them with this task as required.</p> | | | |
| Disability | <p>Care packages The Council will work with Social Services and/or relevant agencies to ensure that all elements of any care package remain intact during and after the move. This could include, for example, day centre care or community nurse visits.</p> <p>Disabled residents in specially adapted homes The Council will ensure that all required adaptations are made to the new property before</p> | <p>Health and wellbeing Disabled residents living in affected properties who need to move might be negatively affected due to the potential impact of the decant process on their health and wellbeing.</p> <p>The Decant Policy includes a range of measures that aim to mitigate the impact of the move for residents (for example, financially through home loss compensation</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 |
| | <p>the tenant moves in. Housing Needs assessments will be done at the earliest possible stage to establish whether households will need adaptations to be made to their next home. The decision on what adaptations, if any, are needed is the responsibility of the Council, in consultation with a designated Occupational Therapist.</p> <p>Where disturbance payments are made and anyone in the household has disabled facilities, the disturbance payment should also cover the costs of providing/retrofitting disabled facilities in the new property.</p> <p>In exceptional circumstances, for example a household with exceptional needs arising from a physical, sensory, or mental impairment, consideration will be given to paying for other exceptional items on an individual basis.</p> <p>Communication needs In accordance with the Council's Equality & Diversity Document Framework, the policy and information about decanted properties, and the assistance the Council can provide to address any issues, can be provided in alternative formats, including: Braille, audio tape and large print versions of documents. British Sign Language interpreting services can also be</p> | <p>or disturbance payments). Support is provided to disabled residents during the decant process, as set out in the 'positive impacts' column.</p> | | |

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| PROTECTED CHARACTERISTIC | POSITIVE IMPACTS | NEGATIVE IMPACTS | NO IMPACT | UNKNOWN |
| | provided upon request. Calls can also be received via Relay UK. | | | |
| Sex | | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gender reassignment | | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Race | Alternative format and interpreting services In accordance with the Council's Equality & Diversity Document Framework, the policy and information about decanted properties, and the assistance the Council can provide to address any issues, can be provided in alternative formats including documents translated into other languages. Telephone and face-to-face language interpreting services can also be provided upon request. | | <input 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* | Not applicable as the Policy does not apply in the context of employment. | Not applicable as the Policy does not apply in the context of employment. | <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.

| Step 3: Assessing the equality impact | |
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| 9. If 'no impact' or 'unknown' was selected, please explain | There are no known circumstances where the policy will have relevance to or a disproportionate equality impact on the protected characteristic groups of sex, gender reassignment, religion/belief, sexual orientation and pregnancy/maternity. All affected residents will be supported throughout the decant process by the Council regardless of a tenant's protected characteristics. Older and disabled residents who may have support |

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| Step 3: Assessing the equality impact | |
| | needs or live in adapted properties, will receive additional support to minimise the impact of the decant process. |
| 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 | The Council will work with its contractors in the repair and refurbishment of affected properties or where demolition is necessary. The Council will also work with its Kent Homechoice or any other partner to enable the client to move to a suitable property either temporarily or permanently. |
| 11. Any other comments | No |

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 and leaseholders | Invite comment and input on the draft policy from all Council tenants and leaseholders | 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 | June 2023 | Details of the consultation and amendments made to the draft policy as a result of the consultation will be included in the Cabinet report | Housing Policy & Performance Officer |
| Views from the Dartford Tenants' and | Invite comment and input on the draft policy from the | Feedback will, at a formative stage, inform any further | June 2023 | Details of the consultation and amendments made | Housing Policy & Performance Officer |

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| Information needs | Action | Intended outcome | Date for completion | How this will be monitored | Responsible officer |
|---|--|--|---------------------|--|--------------------------------------|
| Leaseholders' Forum on the draft policy | Dartford Tenants' and Leaseholder's Forum | changes that may be required to the draft policy in advance of seeking approval for the policy | | to the draft policy as a result of the consultation will be included in the Cabinet report | |
| Views from the Housing Advisory Board | Invite comment and input on the draft policy from the Housing Advisory Board | 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 | July 2023 | Details of the consultation and amendments made to the draft policy as a result of the consultation will be included in the Cabinet report | Housing Policy & Performance Officer |

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 |
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Step 5: Decision making and future monitoring

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| 13. Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by? | Head of Legal Services and 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 rehousing of tenants and residents will be monitored by the Council to improve future decommissioning schemes. Decanted tenants or leaseholders will, where reasonable to do so, be asked their opinions on their new home, the standard it was offered to them in and if they have moved to a new build, its features. They will also be asked how they felt |

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| Step 5: Decision making and future monitoring | |
| | the decant process went. Receiving feedback from tenants and residents will assist in informing the Council on how decants affect the protected characteristic groups. |
| 16. When will you review this Customer Access Review? | The Decant Policy will be reviewed regularly to address legislative, regulatory, best practice or operational issues. New Customer Access Review assessments will be undertaken in conjunction with the review of the policy. |
| 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: 1 June 2023

Reviewed by Director of Housing & Public Protection: 2 June 2023