

Customer Access Review – Full Assessment

Assessment details	
Assessment area	Tenancy Strategy
Date of assessment	October 2024
Directorate and Service	Housing & Public Protection, Housing Services
Manager	Housing Development & Policy 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 Tenancy Strategy sets out the matters which registered providers should have regard to when formulating their policies for their own housing stock. The Strategy relates to:</p> <ul style="list-style-type: none"> a) The types of tenancies granted b) The circumstances in which a particular type of tenancy is granted c) Where tenancies are granted for a specified term, the lengths of the terms granted d) The circumstances in which a further tenancy is granted; where an existing tenancy is ending. <p>The Tenancy Strategy has been reviewed and a modified draft version has been updated, in particular, in relation to the Regulator of Social Housing's updated Tenancy Standard.</p>
2. Who will be affected by the activity or proposal?	Dartford Borough Council tenants, housing applicants, registered providers of social housing operating in the borough and their tenants.
3. How does the activity or proposal contribute to: a) any key performance indicators? b) policies, values or objectives of Dartford Borough Council?	<ul style="list-style-type: none"> a) The Housing Service monitors the number of applicants on the Housing Register. b) The allocation of Council housing contributes to the Corporate Plan strategic objective to provide a high quality and responsive housing service that's built on respect for aspiring and existing tenants. We want to be practical, honest and straightforward in all the information and advice we give.
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>Tenancy Strategy</p> <p>The Localism Act 2011 places a statutory duty on local authorities to produce a Tenancy Strategy to guide registered providers in their area in developing tenancy policies for their own housing stock.</p> <p>The Localism Act 2011 gave local authorities the discretionary power to grant flexible tenancies to new tenants after 1 April 2012. The Localism Act 2011 also allowed housing associations to grant fixed term</p>

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	<p>tenancies to all new tenants after 1 April 2012. Flexible/fixed term tenancies are secure tenancies with a statutory minimum term of two years.</p> <p>The Council's first Tenancy Strategy, published in 2013, set out the Council's strategy for the use of flexible tenancies, as introduced by the Localism Act 2011. It contained an objective for the Council, as a registered provider, to commence the issuing of flexible tenancies to new tenants preceded by an introductory tenancy, and that lifetime tenancies would only be given in exceptional circumstances. Existing lifetime tenants would retain their lifetime tenancy.</p> <p>Following a review of the flexible tenancy regime carried out by the Council, the Tenancy Strategy published in 2021 set out the objective to end the use of flexible tenancies in Council owned stock, and to grant lifetime tenancies to all existing flexible tenants and new tenants. For new tenants, an introductory tenancy will precede the lifetime tenancy. This decision was based on a review of the effectiveness of flexible tenancies and recognition of the importance of housing stability for Council tenants.</p> <p>Where other registered providers choose to grant fixed term tenancies, the revised Tenancy Strategy sets out the expectations the Council has on their use and in developing or updating their tenancy policies.</p> <p>Tenancy Policies</p> <p>The Regulator of Social Housing's Tenancy Standard 2024 sets out how registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.</p> <p>There is a specific expectation for registered providers to publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:</p> <ol style="list-style-type: none"> a) The type of tenancies they will grant. b) Where they grant tenancies for a fixed term, the length of those terms. c) The circumstances in which they will grant fixed terms tenancies for a term of less than five years in general needs housing following any probation period. d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.

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	<p>e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or a different property.</p> <p>f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.</p> <p>g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.</p> <p>h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.</p> <p>i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.</p> <p>Registered providers must grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.</p> <p>Before a fixed term tenancy ends, registered providers shall provide notice in writing to the tenant stating either that they propose to grant another tenancy on the expiry of the existing fixed term or that they propose to end the tenancy.</p> <p>Where registered providers use probationary tenancies, these shall be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review.</p> <p>Registered providers shall grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 comes into force, and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).</p>

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	Registered providers shall grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.																																										
Step 2: Information collection																																											
<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>The Council currently owns 4,226 dwelling in the Borough. Other registered providers operating in the borough own 2,124 dwellings giving a total of 6,350 dwellings in the social housing sector.</p> <p>The Council’s housing register currently shows that there are 1,385 people who are waiting for accommodation. The following table shows a breakdown of all bands by bedroom size and number of applicants.</p> <p>Table 1: Bands by bedroom size and number of applicants</p> <table border="1" data-bbox="660 694 1765 954"> <thead> <tr> <th>Band</th> <th>Studio/ 1bed</th> <th>2 bed</th> <th>3 bed</th> <th>4 bed</th> <th>5 bed</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>42</td> <td>25</td> <td>12</td> <td>5</td> <td>2</td> <td>86</td> </tr> <tr> <td>B</td> <td>115</td> <td>197</td> <td>325</td> <td>58</td> <td>3</td> <td>698</td> </tr> <tr> <td>C</td> <td>89</td> <td>50</td> <td>38</td> <td>6</td> <td>0</td> <td>183</td> </tr> <tr> <td>D</td> <td>124</td> <td>173</td> <td>102</td> <td>17</td> <td>2</td> <td>418</td> </tr> <tr> <td>TOTAL</td> <td>370</td> <td>445</td> <td>477</td> <td>86</td> <td>7</td> <td>1,385</td> </tr> </tbody> </table> <p>All applicants for housing or rehousing are asked to provide equality monitoring details. This is not however, a requirement for acceptance of an application. Equalities records are kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly and in line with The Equality Act 2010 and data protection provisions.</p>	Band	Studio/ 1bed	2 bed	3 bed	4 bed	5 bed	TOTAL	A	42	25	12	5	2	86	B	115	197	325	58	3	698	C	89	50	38	6	0	183	D	124	173	102	17	2	418	TOTAL	370	445	477	86	7	1,385
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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 has been undertaken on the Tenancy Strategy.</p>																																										
<p>7. Are there any gaps in information? If so, what additional research and/or</p>	<p>In modifying the Council’s Tenancy Strategy there is an obligation to send a copy of the draft Strategy to every private registered provider operating in the Borough, giving a reasonable opportunity to comment. In addition, public consultation will be carried out via the Council’s website.</p>																																										

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Step 2: Information collection	
<p>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 Transparency, Influence and Accountability Standard 2024, 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 will be undertaken, as follows:</p> <ol style="list-style-type: none"> 1. All Council tenants will be invited to comment on the proposed updated Tenancy Strategy. 2. The Dartford Tenants’ and Leaseholders’ Forum (DTLF) will be invited to comment on the proposed updated Tenancy Strategy. 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. <p>The Housing Advisory Board (HAB) will be invited to comment on the proposed updated Tenancy Strategy. 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.</p>

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>NOTES:</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	The Tenancy Strategy states that, where registered providers issue fixed term tenancies, and a tenancy review is being carried out towards the end of a fixed term with a vulnerable tenant (for example, vulnerable due to age), the Council expects registered providers to take all reasonable steps to ensure that the tenant can fully participate in the review.		<input type="checkbox"/>	<input type="checkbox"/>
Disability	The Tenancy Strategy states that, where registered providers issue fixed term tenancies, and a tenancy review is being carried out towards the end of a fixed term tenancy with a vulnerable tenant (for example, vulnerable due to physical or mental health disabilities), the Council expects registered providers to take all reasonable steps to ensure that the tenant can fully participate in the review.		<input type="checkbox"/>	<input type="checkbox"/>
Sex	A social housing tenant may need to move urgently due to domestic abuse. While domestic abuse can affect anyone regardless of their protected characteristics, domestic abuse is closely related to the protected characteristic of 'sex'. The Strategy states that, in accordance with the Domestic Abuse Act 2021, where the Council, for reasons connected with domestic abuse, grants a new tenancy to a person who has an existing lifetime tenancy of social housing, the Council will grant the person a lifetime secure tenancy. The Council expects that, where registered providers offer further		<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
	tenancies in such circumstances, that they are granted on a lifetime basis where possible. The aim is to ensure victims and survivors of domestic abuse are provided with stability and security they need.			
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	This assessment does not consider the Tenancy Strategy and its application will have a differential impact on the basis of gender reassignment, race, religion and belief, sexual orientation, pregnancy and maternity or marriage and civil partnership.
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	Local registered providers should have regard to the Tenancy Strategy in formulating their tenancy policies, and under the Regulatory Framework for Social Housing in England, they should allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account. As part of this, they are expected to co-operate with local authority's strategic housing functions and assist local authorities to fulfil their duties to meet identified local housing need. However, the Tenancy Strategy does not have binding legal force. If registered providers depart from the Tenancy Strategy, they should have good reason to do so and will be accountable to the Regulator of Social Housing.

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Step 3: Assessing the equality impact	
11. Any other comments	<p>The Tenancy Strategy should have an overall positive impact on tenants and housing applicants by assisting them to understand the types of tenancies available and what is expected in their use to ensure homes are let in a fair, transparent and efficient way.</p> <p>The Tenancy Strategy makes clear that, where a registered provider chooses to issue fixed term tenancies, there should be a procedure in place where tenants and prospective tenants may appeal against the length of a fixed-term tenancy, the type of tenancy offered, and also against a decision not to grant another tenancy on the expiry of the fixed term. The Tenancy Strategy also expects that registered providers have a clear process in place to handle complaints and that they comply with the Housing Ombudsman’s Complaint Handling Code. This is important for ensuring that tenants have recourse to have their views taken into account regarding decisions made about their tenancy and on effectively handling any complaints.</p> <p>To ensure that the impact on equality is considered, the Tenancy Strategy advises that the Council expects all registered providers to carry out an equality impact assessment on their tenancy policies.</p> <p>In accordance with the Council’s Equality & Diversity Document Framework, the Tenancy Strategy and information about the Housing services provided by the Council, can be provided in alternative formats, including: Braille, audio tape and large print versions of documents, and documents translated into other languages. Telephone and face-to-face language interpreting and British Sign Language interpreting services can also be provided upon request. Calls can also be received via Relay UK.</p>
Step 4: Action plan	
12. Based on the information in Steps 1 to 3, please list the actions that will be taken to address:	<ul style="list-style-type: none"> 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?

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Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
Views from registered providers operating in the Borough on the draft Tenancy Strategy	Invite views on the draft strategy from registered providers	Feedback will, at a formative stage, inform any further changes that may be required to the draft strategy in advance of seeking approval for the strategy	December 2024	Details of the consultation and any amendments made to the draft strategy as a result of the consultation will be included in the Cabinet report	Senior Housing Policy & Performance Officer
Views from all Council tenants on the draft Tenancy Strategy	Invite views on the draft strategy from all Council tenants	Feedback will, at a formative stage, inform any further changes that may be required to the draft strategy in advance of seeking approval for the strategy	December 2024	Details of the consultation and any amendments made to the draft strategy 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 Tenancy Strategy	Invite views on the draft strategy from the Dartford Tenants' and Leaseholders' Forum	Feedback will, at a formative stage, inform any further changes that may be required to the draft strategy in advance of seeking approval for the strategy	December 2024	Details of the consultation and any amendments made to the draft strategy 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 Tenancy Strategy	Invite views on the draft strategy from the Housing Advisory Board	Feedback will, at a formative stage, inform any further changes that may be required to the draft strategy in advance of seeking approval for the strategy	January 2024	Details of the consultation and any amendments made to the draft strategy 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 periodically review the Tenancy Policies of registered provider's operating in Dartford to ensure they have had regard to this Tenancy Strategy.
16. When will you review this Customer Access Review?	The Council will review its Tenancy Strategy every three years or earlier to address legislative, regulatory, best practice or operational issues. New assessments will be undertaken every three years in conjunction with the review of the Tenancy Strategy, or sooner, in the event of major legislative or operational changes.

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: 24.10.2024

John Wenham – Solicitor

Reviewed by Director of Housing & Public Protection: 14.10.2024

