

Equality Analysis Form

An Equality analysis enables us to target our services, and our budgets, more effectively and understand how they affect all our communities. It also helps us comply with the Equalities Act 2010.

For more information about when you should carry out an equality analysis, who should do this and the support available, go to the equality analysis intranet page.

This form has four sections

- 1: decide whether a full equality analysis is needed. If not, you do not complete sections 2-4.
- 2: gathering evidence
- 3: determining actions
- 4: decision and next steps

Appendix One – Decision-making process

Appendix Two - data broken down by Protected Characteristics

Name of document			Unlawful subletting (Tenancy Fraud) – Proposed amnesty	
Version	Date reviewed	Date of next review	Reviewed by	Changes made

1. Decide whether a full equality analysis is needed

1.1 What are you analysing?

Question	Guidance	Answer
What is the name of your change or review?	<p>The change or review may involve:</p> <ul style="list-style-type: none"> o policies, strategies and frameworks o budgets o plans, projects and programmes o staff structures (including outsourcing) o the use of buildings o commissioning (including re-commissioning and de-commissioning) o services (for example, how and where they are delivered) o processes (for example thresholds, eligibility, entitlements, and access criteria) 	<p>Proposed amnesty for unlawful subletting (tenancy fraud).</p> <p>New legislation came into effect on 1st October 2013 `making unlawful subletting a criminal offence. Any tenant found guilty of letting their entire property could now face a two prison sentence and a maximum £50,000 fine. Further, the offender may be ordered to pay the landlord the amount representing the profit made as a result of the fraud.</p> <p>To publicise the change in legislation, and to encourage people to return and report properties that are being illegally sublet, it is proposed to:</p> <ul style="list-style-type: none"> • Implement a key amnesty in February 2014 for council tenants who unlawfully sublet or part with possession of the whole of their accommodation

		<ul style="list-style-type: none"> To agree to depart from the Council's enforcement policy by not intending to start criminal proceedings for unlawful subletting against those who surrender their tenancy during the key amnesty. <p>NB The change proposed will apply only for the one month period of the amnesty.</p>
<p>Why are you doing this?</p>	<p>For example, we are considering cutting a service.</p>	<p>The aims are:</p> <ul style="list-style-type: none"> To increase awareness of the changes in legislation to deter people from engaging in social housing fraud To encourage council tenants engaging in social housing fraud to hand back the keys To encourage residents to report illegal sub letting To reduce the number of unlawfully occupied council homes and free up more housing for allocation to those on the waiting list <p>The majority of tenancy fraud committed is illegal subletting. Tenants who let the whole of their property are breaching their tenancy conditions. It is estimated (nationally) that around 98,000 properties may be subject to tenancy fraud, costing the tax payer £900m a year. This exercise</p>

		<p>will draw attention to the recent law changes and raise awareness and greater understanding of what unlawful subletting is and the harm it causes. A month's amnesty will offer a short period of reprieve to those committing tenancy fraud, in advance of the Council taking further measures in due course.</p>
<p>What is likely to be different when you have finished?</p>		<p>Similar amnesties have been successfully carried out by other local authorities and social housing providers, such as Sutton, Camden and Amicus Horizon. They report an increase in the reporting of tenancy fraud as a result of the publicity, and a few tenants have returned the keys to their properties that were illegally sublet.</p> <p>At the end of the exercise it is hoped that there will be a greater awareness of the penalties enforceable for illegal subletting, an increase in the number of cases being reported and some properties returned. It is hoped that awareness of the harsher, enforceable penalties will also act as a deterrent.</p>
<p>What will be the main outcomes or benefits from making this change?</p>		<p>In making the changes to the legislation, the DCLG aimed to create a situation where the benefits of committing social housing fraud are outweighed by the potential repercussions of being caught and receiving a criminal conviction and/or fine. The objective being to introduce</p>

		<p>stronger sanctions and raise the likelihood of detection.</p> <p>By publicising these changes and the amnesty, it is hoped to deter future tenancy fraud and to encourage people to come forward to report illegal subletting.</p>
What stage is your change at now?	<p>See appendix one for the main stages at which equality analyses need to be started or updated. In many instances, an equality assessment will be started when a report is being written for a committee. If that report recommends that a project or programme takes place, the same equality assessment can be updated to track equality impacts as it progresses. If the project or programme includes commissioning or de-commissioning, the same equality assessment can be updated again.</p>	<p>There is a report going to Informal Cabinet on 6th January 2014 setting out the proposed amnesty for February 2014.</p>
<p>An equality analysis must be completed before any decisions are made.</p> <p>If you are not at the beginning stage of your decision making process, you must inform your Director that you have not yet completed an equality analysis.</p>		
<p>1.2 Who could be affected and how?</p>		
Question	Guidance	Answer
Who are your internal stakeholders?	For example, groups of council staff, members	DASHH, Tenancy services, Housing Standards Team, Legal Services, Corporate Anti- Fraud Team, Members
Who are your external stakeholders?	For example, groups of service users, service providers, trade unions, community groups and the wider community?	Council tenants and Croydon residents

<p>Does your proposed change relate to a service area where there are known or potential equalities issues?</p>	<p>Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response. If you don't know, you may be able to find out on the Croydon Observatory (http://www.croydonobservatory.org/)</p>	<p>No.</p> <p>The DCLG undertook an Impact Assessment for the Prevention of Social Housing Fraud Act 2013 (October 2013). Under the Equalities Impacts it states: "There has been no evidence from current work that certain groups of people are more affected than others. Feedback from landlords strongly suggests that there is no such thing as a typical social housing fraudster, and an exercise carried out by a landlord in the Midlands showed that their investigatory work, albeit based around a relatively small number of tenancies, did not have a significantly disproportionate impact on any particular social group. An equalities screening was undertaken, but it was not thought necessary to undertake a full equalities impact assessment."</p>
<p>Does your proposed change relate to a service area where there are already local or national equality indicators?</p>	<p>You can find out from the Equality Strategy (http://intranet.croydon.net/corpdept/equalities-cohesion/equalities/docs/equalitiesstrategy12-16.pdf). Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response</p>	<p>No (see extract above from DCLG Impact Assessment)</p>
<p>Would your proposed change affect any protected groups more significantly than non-protected groups?</p>	<p>Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response. For a list of protected groups, see Appendix Two.</p>	<p>No (see extract above from DCLG Impact Assessment)</p>

<p>Would your proposed change help or hinder the council in eliminating unlawful discrimination, harassment and victimisation in relation to any of the protected groups?</p>	<p>Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response</p>	<p>No (see extract above from DCLG Impact Assessment). It should be noted however that:</p> <ul style="list-style-type: none"> • Unlawful occupants can end up living in poor conditions • Reclaiming properties that have been illegally sublet would enable the council to re-let them to those in greatest housing need
<p>Would your proposed change help or hinder the council in advancing equality of opportunity between people who belong to any protected groups and those who do not?</p>	<p>Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response</p>	<p>No see extract above from DCLG Impact Assessment). It should be noted however that:</p> <ul style="list-style-type: none"> • Unlawful occupants can end up living in poor conditions. • Reclaiming properties that have been illegally sublet would enable the council to re-let them to those in greatest housing need and not as a means to make a profit through an illegal sub-let.
<p>Would your proposed change help or hinder the council in fostering good relations between people who belong to any protected groups and those who do not?</p>	<p>Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response</p>	<p>No</p> <p>The proposed amnesty will run for one month. The DCLG Impact Assessment for Prevention of Social Housing Fraud Act 2013 found no evidence that certain groups of people are more affected than others.</p>

1.3 Decision		
<p>If you answer "yes" or "don't know" to ANY of the questions in section 1.2, you should undertake a full equality analysis. This is because either you already know that your change or review could have a different/significant impact on protected groups (compared to non-protected groups) or because you don't know whether it will (and it might).</p>		
Decision	Guidance	Response
No, further equality analysis is not required	<p>Please state why not and outline the information that you used to make this decision. Statements such as 'no relevance to equality' (without any supporting information) or 'no information is available' could leave the council vulnerable to legal challenge. You must include this statement in any report used in decision making, such as a Cabinet report</p>	<p>No further equality analysis is required. There are no direct equalities issues that arise from the proposed amnesty, as evidenced in the responses to section 1.2 above and the DCLG Impact Assessment of the Prevention of Social Housing Fraud Act 2013.</p>
Yes, further equality analysis is required	<p>Please state why and outline the information that you used to make this decision. Also indicate</p> <ul style="list-style-type: none"> - when you expect to start your full equality analysis - the deadline by which it needs to be completed (for example, the date of submission to Cabinet). - where and when you expect to publish this analysis (for example, on the council website). <p>You must include this statement in any report used in decision making, such as a Cabinet report.</p>	
Officers that must approve this decision	Name and position	Date

Report author	Alison Crisp, Service Development Projects Manager	31/12/13
Director	Dave Sutherland	31/12/13
Please email this completed form to data.equalities@croydon.gov.uk, together with an email trail showing that your director has approved it.		
1.4 Feedback from the corporate equalities team		
Name of equalities officer		
Date received by equalities officer	Please send an acknowledgement	
Should a full equality analysis be carried out?	Note the reasons for your decision	
Please send this document to - the person responsible for making the decision - democratic services, the corporate programme office or procurement as appropriate in time for the relevant decision making meeting		

2. Evidence Considered

List the documents and information that have been considered as part of this review to enable reasonable judgments to be made on the assessment of impact.

This section needs to include consultation data and desktop research (local and national data).

Quantitative Data	Qualitative Data
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2.1 Analysing Impact

Use the table below plot and identify where there is a potential impact on any of the staff and customers/service users by protected characteristic arising from the change.

The cells of the matrix should be filled in as below:

Key	
O	Indicates where the impact is unknown on Service Users/Staff, This is due to evidence not being available to indicate otherwise (neither positive nor negative impact).

P	Indicates the change may have a potential Positive Impact on Service Users/Staff
N	Indicates the change may have a potential Negative Impact on Service Users/Staff
P/N	Indicates the change may have both Positive and Negative Impacts on Service Users/Staff

An example of the chart filled in below:

Services		Protected Characteristics									
		Age	Disability	Gender Reassignment	Pregnancy and Maternity	Race	Religion and Belief	Sex	Sexual Orientation	Marriage and Civil Partnership	
Service Provision	Service Design	Capacity	O	O	O	O	O	O	O	O	O
		Availability	O	O	O	O	O	O	O	O	O
		Continuity	O	O	O	O	O	O	O	O	O
		Security	O	O	O	O	O	O	O	O	O
		Supplier Management	O	O	O	O	O	O	O	O	O
		Service Level Availability	P	P	O	O	O	O	O	O	O
		Service Catalogue Management	N	P/N	O	O	O	O	O	O	O

Description of Impact – Service User Related

Service Area	Protected Group	Description of Potential Positive Impact	Description of Potential Negative Impact	Evidence Source

Description of Impact – Employment Related				
Service Area	Protected Group	Description of Potential Positive Impact	Description of Potential Negative Impact	Evidence Source

2.2 Is there any evidence missing? If so, how will you gather this missing evidence?

If you do not have all the evidence you need to make an informed decision, talk to your departmental equality lead about practical ways to gather it. For example, if you do not have time to conduct a survey, is there a way can increase your understanding before undertaking more robust research at a later date? Perhaps by meeting with stakeholders. The depth and degree of any consultation or research will be determined by the relevance of the change or review to different groups. Those who are likely to be directly affected should be consulted. Read the corporate public consultation guidelines before you begin (http://intranet.croydon.net/finance/customerservices/public_consultation/default.asp).

If you really cannot gather any useful information in time, then note its absence as a potential negative impact and describe the action you will take to gather it in section 3. Insert new rows as required.

Do not continue onto stage 3 until your departmental equality lead is satisfied that you have gathered all the evidence you need.

Protected Group	Evidence missing	Description of potential negative impact

3. Determining Actions

The overall potential impact is the likelihood of the impact multiplied by the strength of that impact. The higher the score, the more significant the impact. The tables below identify actions to be taken to minimise negative impacts or maximise positive impacts within the programme.

Key

Likelihood score

5	Most certain	In more than 80% of the circumstances
4	Most likely	In 51-80% of circumstances
3	Possible	In 21-50% of circumstances
2	Unlikely	In 6-20% of circumstances
1	Rare	In 5% of circumstances or less

Strength score	Degree of impact	Proportion of protected groups affected
5	Very great impact	Several protected groups in more than one category (e.g. religion and gender) would be differently affected (compared to non-protected groups).
4	Great impact	Several protected groups in one category (e.g. religion) would be differently affected (compared to non-protected groups)
3	Some impact	All of one protected group would be differently affected (compared to non-protected groups)
2	Little impact	The majority of one protected group would be differently affected (compared to non-protected groups)
1	Minimal impact	A minority of one protected group would be differently affected (compared to non-protected groups).

3.1 Minimising Potential Negative Impacts

Ref	Protected Group	Potential Negative Impact	Likelihood Score	Strength Score	Overall Impact Score	Action	Action Owner	Date Action will be completed

3.1 Maximising Positive Impacts

Ref	Protected Group	Potential Negative Impact	Likelihood Score	Strength Score	Overall Impact Score	Action	Action Owner	Date Action will be completed

4. Decisions

4.1 Based on the information in sections 1-3, what are you going to do?

Decision	Definition	Yes/no
We will not make any major change to our project because it already includes all appropriate actions	Our assessment shows that there is no potential for discrimination, harassment or victimisation and that our project already includes all appropriate actions to advance equality and foster good relations between groups.	
We will adjust our project	We have identified opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through our project. We are going to take action to change our project to make sure these opportunities are realised.	
We will continue our project as planned because it will be within the law	We have identified opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through your project. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned.	
We will stop our project	Our project would have adverse effects on one or more protected groups that are not justified and cannot be lessened. It would lead to unlawful discrimination and must not go ahead.	

4.2 Next steps

You may find it useful to consult Appendix One before completing this section.

Does this analysis have to be considered at a scheduled meeting?	If so, please give the name and date of the meeting.	
When and where will this equality analysis be published?	An equality analysis should be published alongside the policy or decision it is part of. As well as this, the equality assessment could be made available externally at various points of policy development. This will often mean	

	publishing your analysis before the policy is finalised, thereby enabling people to engage with you on your findings.	
When will you update this analysis?	Please state at what stage of your project you will do this and when you expect this update to take place. If you are not planning to update this analysis, say why not.	
4.3 I confirm that the information in sections 1 - 4 is accurate, comprehensive and up-to-date		
Officers that must approve this decision	Name and position	Date
Report author	David Sutherland	10 January 2014
Director of Croydon Landlord Services		
<i>Email this completed form to data.equalities@croydon.gov.uk, together with an email trail showing that the director is satisfied with it.</i>		
4.4 Feedback from the corporate equalities team		
Name of equalities officer	Yasmin Ahmed	10 January 2014
Date received by equalities team		10.1.14
Feedback on decision	there are no issues arising	
<i>Please send this to the report author and democratic services, corporate programme office and procurement team as appropriate</i>		

Appendix one: decision making processes

You may only need to develop one equality analysis, updating it as you move from proposing the change to monitoring its implementation.

In many instances, an equality assessment will be started when a report is being written for a committee. If that report recommends that a project or programme takes place, the same equality assessment can be updated to track equality impacts as it progresses. If the project or programme includes commissioning or de-commissioning, the same equality assessment can be updated again.

Budget setting

For department budget setting, check that each line will have already have appropriate equality analysis under one of the other decision making processes. The corporate budget will be covered under the process for the report to full council.

How to use this table

This table outlines the key council decision making processes. Select the process on the top row that you are currently involved in, then read down the column to find out what to do when.

Decision making process	Report to committee, cabinet or full council	Project management	Programme management	Commissioning
Key contact	Solomon Agutu	Tony Snook	Tony Snook	Dawn Jolley
Link to process	Report Writing Instructions and Templates	Corporate Programme Office (CPO)	Corporate Programme Office (CPO)	Procurement Board
Develop section one of the equality analysis	When you start writing your report	Business case	Gateway 1/2	When you start writing your procurement strategy report
Develop full equality analysis	Before you submit your report to CMT	Project initiation document	Gateway 3	
Revise full equality analysis	When full council, cabinet or committee decision made or at key stages in any action plan included in the report	At the end of each project stage	At the end of each tranche	If the award report goes to Corporate Services Committee and as part of contract monitoring schedule
Write final full equality analysis	At the final stage of any action plan included in the report	Post project review	Gateway 6	Final monitoring stage

Who to send the equality analysis to	Corporate equality team and democratic services	Corporate equality team and project team	Corporate equality team and programme team	Corporate equality team and procurement team
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Appendix two: data broken down by Protected Characteristics

The information below is taken from the 2011 census unless otherwise indicated.

Age groups	Number of people	Percentage
0-4 years	27,972	7.7%
5-7 years	14,388	4.0%
8-9 years	8,708	2.4%
10-14 years	23,130	6.4%
15 years	4,912	1.4%
16-17 years	9,934	2.7%
18-19 years	8,720	2.4%
20-24 years	23,591	6.4%
25 -29 years	27,692	7.6%
30-44 years	82,439	22.7%
45-59 years	70,488	19.4%
60-64 years	17,029	4.7%
65-74 years	23,155	6.4%
75-84 years	15,318	4.2%
85-89 years	3,881	1.1%
Over 90 years	2,021	0.6%
People with long term illnesses or disabilities	363,378	
Blind or visually impaired	These categories were not recorded as such in the 2011 census. However, this did record that there were 24,380 people (6.7%) whose day to day activities were limited a lot by long term illness or disability and 28,733	
Deaf or hearing impaired		
Other communication impairment		
Mobility impairment		
Learning difficulty or disability		
Mental health condition		
HIV, multiple sclerosis or cancer		

Other (please specify)	(7.9%) whose day to day activities were limited a little (Office of National Statistics)	
Gender		
Male	176,224	48.5%
Female	187,154	51.5%
Ethnicity	Number of people	Percentage
White British	171,740	47.3%
White Irish	5,369	1.5%
White Gypsy or Irish Traveller	234	0.1%
Other White background	22,852	6.3%
Black African	28,981	8.0%
Black Caribbean	31,320	8.6%
Other Black background	12,955	3.6%
Bangladeshi	2,570	0.7%
Chinese	3,925	1.1%
Indian	24,660	6.8%
Pakistani	10,865	3.0%
Other Asian background	17,607	4.8%
Mixed White and Black Caribbean	9,650	2.7%
Mixed White and Black African	3,279	0.9%
Mixed White and Asian	5,140	1.4%
Other Mixed background	5,826	1.6%
Arab	1,701	0.5%
Other ethnic group (please specify)	4,704	1.3%
Religion	Number of people	Percentage
Buddhist	2,381	0.70%
Christian	205,022	56.40%
Hindu	21,739	6.00%
Jewish	709	0.20%
Muslim	29,513	8.10%

Sikh	1,450	0.40%
No religion/faith	72,654	20.00%
Other (please specify)	2,153	0.60%
Sexual orientation		
Lesbian	There are no figures from the 2011 census. However, it is estimated that there were 20,370 lesbians, gay men, bisexual and transgender people living in Croydon in 2001. (London LGBT)	
Gay		
Bisexual		
Transgender		
Transgender	See above	
Pregnancy or maternity		
Pregnant	These categories were not recorded as such in the 2011 census. However, there were 5,720 live births in 2011 (Office of National Statistics)	
On compulsory maternity leave		
Marriage or civil partnership		
Married	122,013	42.9%
In civil partnership	796	0.3%