

# Equality Statement

## Policy and Service Analysis Template for considering Equalities for section 149 of the Equality Act 2010 or the public sector equality duty

### 1. Name of Directorate

Housing Needs and Housing Supply

### 2. Please list all the policy streams in your business area.

Pay to Stay was announced by the Government at the Summer Budget on 8 July and enabling provisions are contained in the Housing and Planning Bill now progressing through Parliament.

The principal objective of this policy is to increase fairness between the social and private rented sectors by removing the rent subsidy for high income social tenants and ensuring they must 'Pay to Stay'.

In the local authority sector, this policy will be mandatory. Additional income raised will be returned to the Exchequer, less administrative costs.

In the housing association sector, this policy will be voluntary. We will encourage take-up by housing associations and they will be able to re-invest additional income raised in new housing supply.

The detail of the policy will be set out in regulations.

### 3. Identify any policy streams aimed at or impacting upon a 'Protected Characteristic'.

This policy is not believed to have any specific negative impact on any of the protected characteristics. The attribute that determines whether households are affected is their household income level.

Given that this policy applies specifically to social housing tenants, we have considered the general possibility that protected groups could be disproportionately affected to the extent that they are highly represented in the social rented sector. However, given that only high-income households are affected, these are not representative of the social rented sector as a whole, so this possibility is considered unlikely.

For those high-income households that are affected, data from the Family Resources Survey has been analysed to consider the impact on different household types based on age, gender, race, disability, and presence of children. The protected groups are not generally found to be disproportionately affected (in most cases the protected groups are less likely to be affected than non-protected groups). The exception to this is that couples (i.e. included those who are married or in civil partnerships) are more likely to be affected (given that it is more likely that an additional earner will result in an income above the threshold for the policy).

### 4. Who has responsibility for developing these policies?

Nick Atkinson, Programme Lead, Right to Buy and Affordable Housing and Emma

Fraser, Deputy Director, Right to Buy and Affordable Housing.

**5. Are there any EU or other statutory regulations that need to be adhered to regarding equalities?**

N/A

**6. The following summary will be analysed and used as evidence which you considered in demonstrating due regard to the Public Sector Equality Duty and section 149 of the Equality Act 2010. Have you used information from any of the following sources when developing policies?**

The policy was announced at Summer Budget 2015 as part of Manifesto commitment to reduce welfare bills by £12 billion. In developing the legislation we have looked at:

- English Housing Survey and Family Resource Survey data on social households.
- The Office for Budget Responsibility has modelled the potential savings to the Exchequer resulting from the Pay to Stay requirements, at national level. This is set out in the Impact Assessment for the Housing and Planning Bill.
- We consulted on the policy for six weeks from 9 October to 20 November 2015 and sought views from local authorities, housing associations and other interested parties. A summary of responses will be published in due course.
- We have engaged with individual local authorities and housing associations as well as umbrella groups including the Local Government Association, District Council Network and the National Housing Federation, Derby Homes.
- We will continue to engage the local authority and housing association sectors as we develop the detail of the policy for regulations.

**7. Have you discovered any of the following and as a consequence taken actions on identified equality issues?**

As part of the consultation, concerns were raised about the impact of the policy upon those with learning disabilities or serious mental health problems due to potential difficulties in interacting with administering landlords. We will ensure that the policy is implemented in a way which does not disadvantage such tenants.

Concerns were also raised about the impact on older people in supported or sheltered housing due to existing high service charges for this accommodation. This is a matter for individual housing associations, however, Pay to Stay is not mandatory for sheltered housing providers and we would expect them to have regard for tenants with specific needs.

**8. When your policies are finally implemented which characteristics are**

<b>most likely to benefit?</b>			
N/A			
<b>9. In considering the above information have any gaps in data or equalities information been identified?</b>			
We do not have data on the percentage of high income social tenants with the protected characteristics of religion, sexual orientation, pregnancy or gender reassignment. The caseload affected will ultimately be dependent upon the definition of income used and the level at which the threshold and any intermediate thresholds are set.			
<b>10. Overall, can you make an assessment of the potential of this policy; programme/service to have a substantial equalities impact on discrimination, fostering good relations or advancing equality of opportunity? Please try to limit your answer here to less than an A4 page.</b>			
<b>Equalities impact on discrimination</b>			
We do not consider the policy has an equalities impact on discrimination.			
<b>Fostering good relations</b>			
We do not consider the policy has an equalities impact in terms of fostering good relations.			
<b>Advancing equality of opportunity</b>			
The Pay to Stay policy may help encourage equality of opportunity by:			
controlling public expenditure in relation to housing benefit costs, allowing limited public money to be spent elsewhere to support those in need.			
raising extra income for housing associations to invest in new social housing and, in those cases where higher-income tenants choose to leave the sector, to free up social housing units for those with greater need.			
<b>This analysis was undertaken by Tessa Lee</b>			
<b>Advice sought from (Equalities Team – Errol Barnett / Ian Naysmith)</b>			
<b>Name</b>	Emma Fraser		
<b>Directorate/Unit</b>	Housing Supply	<b>Lead contact</b>	Tessa Lee
<b>Date</b>	25/02/16		
<b>SCS Sign off:</b>			
<i>Emma Fraser</i>			

**I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.**

**Please keep a record of this analysis for audit purposes and send a copy to [errol.barnett@communities.gsi.gov.uk](mailto:errol.barnett@communities.gsi.gov.uk) for his records**

# Equality Duty Flow Chart

