



EQUALITY IMPACT ASSESSMENT (EIA) PRO-FORMA

This pro-forma is to be used to determine whether an Equality Impact Assessment (EIA) is required for a proposed policy, strategy or significant decision relating to service provision; and for recording details and outcomes of an impact assessment.

Title of policy / strategy, or brief description of the decision relating to service provision	Illegal Occupation Policy Abandonment Policy Succession Policy Assignment Policy
Lead EIA Officer and Job Title (The EIA lead must be a manager)	Jackie King (London Regional Housing Manager)
EIA Team Members	Samantha Sizeland (Housing Diversity Manager)
Director and Head of Service	Sandra Fawcett (Director of Housing London)
Does the EIA relate to an existing policy? (Yes / No)	Yes
Who implements the Policy?	All Swan Housing Teams
Date that the Policy / strategy is due for review (if applicable)	The Policies are not due to be reviewed again until 2012

This pro-forma should be used to:

- Determine and record whether an Equality Impact Assessment (EIA) is required
- Determine and record the focus of an EIA if one is required
- Record the evidence considered
- Record the outcome of the impact assessment
- Record mitigating actions to be taken and measurable targets to assess progress.

Equality Impact Assessments are required to be undertaken on all proposed policies, strategies and significant decisions that could potentially have an adverse or disproportionate impact on any of the diverse communities for which Swan provides services. An EIA should address potential impact in respect of ethnicity / race, gender, transgender, disability, age, sexual orientation and religion or belief where relevant. This pro-forma also asks you to consider socio-economic status and community cohesion and have due regard for the protected characteristics introduced by the new Equality Act.

It is essential that officers refer to the **Equality Impact Assessment Guidance** when completing this pro-forma. The pro-forma is in two parts.

Part A: This part helps you determine and record whether an EIA is necessary and is essential documentary evidence to show that the Swan considers equality in respect of all significant policy and function decisions it makes. Part A must be completed in respect of all proposed policies, strategies or significant decisions that have an impact on service functions. Part A also helps you determine and record the focus of the EIA, if one is required. Part A covers steps 1 and 2.

Part A should be completed by a manager, with support from staff in the relevant service area (forming an EIA Team). Part A must be authorised by the manager responsible for the policy, strategy, or function before proceeding to Part B of the Impact Assessment. Housing managers should also ensure that drafts of both Part A and Part B are sent to the Housing Diversity Manager for comments before they are finalised.

Part B: Proceed to Part B if it is determined in Part A that a full EIA is required and once the focus of the EIA has been determined and agreed. This part of the pro-forma covers steps 3 to 6 as described in the Guidance.

Please remember that the completion of an EIA and the actions identified within it are the responsibility of the relevant service manager.

Equality Impact Assessment Part A:

Reason and context for the new policy, strategy, proposal or decision

Please set out the aims and objectives of and contextual reasons for the proposed policy, strategy or decision. Contextual reasons may include changes in legislation, demographic changes or budgetary considerations. Alternatively, if this information is provided in another document, please append to this form.

These four policies set out the following aims and objectives:

The Illegal Occupation Policy sets Swans aims to let our homes to those in housing need. We will ensure that all our homes are let through fair process and have not been obtained through any other means. Illegal occupation occurs when someone has been allowed into the property with the consent of the tenant and remains there when the tenant has moved or died. It can also occur if a mutual exchange or assignment has taken place without our consent. We are committed to seek possession through the courts where an occupant has no right to remain in the property.

The aim of the Abandonment Policy is to identify any abandoned properties at the earliest possible time. We aim to do this through creating a culture of co-operation with local residents, regular estate inspections, community liaison and partnership working with other agencies. We have given a commitment to begin investigations into the likelihood of a tenant returning within 5 working days of being notified of a suspected abandonment.

Succession occurs when a sole tenant dies and an eligible partner or qualifying family member takes over the tenancy. We are committed to dealing with all requests for succession sensitively and compassionately whilst providing the appropriate advice and information to our residents. In those cases where there is more than one eligible successor we will allow the family member to agree amongst themselves who is to succeed to the tenancy. If this cannot be agreed we will intervene to make the decision. Swan

has a duty to meet its statutory and contractual obligations whilst making the most effective use of our stock.

Assignment of a tenancy is the legal transfer of interest in a property from one person to another and can only happen in limited circumstances. We will consider all applications for assignments promptly and fairly. We are committed to fulfilling our statutory and contractual obligations regarding assignment to a potential successor without compromising our remit to provide housing to those in greatest need.

STEP ONE: Relevance - Is there potential for the policy, strategy or decision to have an impact on equality?

<p>An EIA should be undertaken if the policy, strategy or decision is <i>relevant</i> to the promotion of equality i.e. there is potential for it to have an impact in respect of the equality strands and protected characteristics listed. Please use the box below to identify how your policy or strategy might be relevant to these strands. Please note you are not asked at this stage to determine whether there will or will not be a negative or disproportionate impact – simply whether there is potential.</p>	
<p>Ethnicity / Race</p>	<p>The four tenancy management policies listed above are relevant to all of the equality strands / protected characteristics to some extent. They are necessary for the effective management of Swan’s social housing stock and for ensuring that our homes are let to people in housing need.</p>
<p>Disability</p>	<p>As per the text in the Ethnicity / Race section.</p>
<p>Gender (including pregnancy and maternity)</p>	<p>As per the text in the Ethnicity / Race section.</p>
<p>Transgender (including gender</p>	<p>As per the text in the Ethnicity / Race section.</p>

reassignment)	
Age	As per the text in the Ethnicity / Race section. If an older person succeeds to the property following the death of a partner, they may need additional help and support to sustain their tenancy on their own and to claim the benefits and access the support mechanisms they need to do so.
Sexual Orientation	As per the text in the Ethnicity / Race section.
Religion/Belief	As per the text in the Ethnicity / Race section.
Marriage and Civil Partnership	As per the text in the Ethnicity / Race section.

If you think that your policy / strategy or significant decision has relevance to socio-economic status or community cohesion then please use the box below to describe how it might be relevant. Please note that you are not asked at this stage to determine whether there will or will not be a negative or disproportionate impact – simply whether there is potential.	
Socio-economic Status	There is limited relevance to socio-economic status.
Community Cohesion	These policies have limited relevance to wider community cohesion issues, but may impact on local neighbourhoods and individual estates.

STEP TWO: Determine the Focus of the EIA

Please list below what you will look at when undertaking your EIA i.e. what will be the focus. In most cases the focus will be whether the policy or decision will ensure equality of access to its benefits or outcomes; whether there are likely to be barriers for particular communities or if there are likely to be negative or disproportionate impacts for particular communities.

Key focus of EIA:

The Key focus of the EIA will be:

- 1) Assessment of whether there are any disparities in the access to service between different equality groups, related to the application of the policies.
- 2) Ensuring that all key tenancy management functions are carried out in line with our statutory and contractual duties and in a way that accommodates the needs of individuals as far as possible.
- 3) Examining recorded requests for assignments and successions and the reasons for approval or refusal in terms of potential equality issues.
- 4) Ensuring that key documents are available in accessible formats on request.
- 5) Staff are adequately trained to recognise the needs of different communities and / or equality groups.
- 6) Policies are applied to meet the needs of our vulnerable residents.

Specific Focus in Relation to Equality Strands or Protected Characteristics:

Ethnicity / Race	As per the key focus of the EIA.
Gender (including Pregnancy and Maternity)	As per the key focus of the EIA.

Transgender (including Gender Reassignment)	As per the key focus of the EIA.
Disability	As per the key focus of the EIA.
Age	As per the key focus of the EIA.
Sexual Orientation	As per the key focus of the EIA.
Religion/ Belief	As per the key focus of the EIA.
Marriage and Civil Partnership	As per the key focus of the EIA

Key focus of EIA in relation to socio-economic status and / or community cohesion (if appropriate):

This EIA will not focus on socio-economic status or community cohesion as per page 5 of this pro-forma.

Record whether or not an EIA is required:

Is an EIA required? <i>Please tick either yes or no</i>	Yes ✓	No
If yes, add target date for completion: 30 th November 2010.	Signature of Manager	
	Print Name: Jackie King	
	Date: 23 November 2010	

Please note that:

- 1) **Housing Managers** should send their completed PART A to the Housing Diversity Manager for comments before it is finalised.
- 2) A copy should be passed to the Diversity Action Forum (DAF) once completed.
- 3) Managers should keep a signed copy for their records.
- 4) All other Swan managers should send a copy of the PART A pro-forma to Central Services for the corporate EIA Log (this will be done for Housing Managers by the Housing Diversity Manager once EIA's are agreed).

Equality Impact Assessment Part B:

This part should be completed if it has been determined that an Equality Impact Assessment is required i.e. that the policy, strategy or significant decision has equality relevance and a service manager has agreed the focus of the assessment as set out in PART A.

STEP THREE: Look at the Evidence

Data sources

Having determined the types of questions or area of focus you want to address in the EIA, consider what data or information sources you may need to look at. For example, you may need to look at data/information that gives you an understanding of diversity in the areas in which Swan and / or your service operates; the needs of different sections in the community in respect of the policy area under review; national or local trends.

Record the data sources considered below in respect of each question / area of focus to be addressed in the EIA, providing a brief summary of what this told you and whether there were gaps in information e.g. if there is no or only limited data available.

Question/focus to be addressed	Data/information source	Summary	Gap in data
Assessment of whether there are any disparities in the access to service between different equality groups, or the application of the policies.	Equality analysis of: <ul style="list-style-type: none"> • Illegal Occupation • Abandonment • Succession • Assignment 	-	The Neighbourhood Services Team does not currently hold this data analysed by equality group.
Ensuring that all key tenancy management functions are carried out in line with our statutory and contractual duties and in a way that	Review of current functions	The rights to Succession and Assignment are clearly set out in the Housing Acts 1985 and 1988. Other legalisation includes the Matrimonial and Family	

Question/focus to be addressed	Data/information source	Summary	Gap in data
<p>accommodates the needs of individuals as far as possible.</p>		<p>Proceedings Act 1984, Children Act 1989 and the Civil Partnership Act 2004. There is a requirement to meet these terms unless exceptional circumstances can be demonstrated and are accepted by Swan.</p> <p>Over and above this Swan is committed to addressing the individual needs of residents as far as is possible, proportionate and practical. Housing staff have received customer service and diversity training and guidance to embed this approach.</p>	
<p>Examining recorded requests for assignments and successions and the reasons for approval or refusal in terms of potential equality issues.</p>	<p>Succession and assignment requests</p>	<p>All succession and assignment requests are recorded by the Neighbourhood Teams. Each case is assessment based on the individual circumstances of the residents and in line with the appropriate legislation. Equality related factors are also considered within this process.</p>	<p>Although Swan holds this information on individual cases, we are currently unable to hold disaggregated data centrally. Therefore equality analysis of approval and refusal has not been undertaken.</p>
<p>Ensuring that key documents are available in accessible formats on request.</p>	<p>Review of current operations and practices</p>	<p>The Neighbourhood Services Team is often the first point of contact for our residents. We have Bengali speaking Neighbourhood Services Assistants in all</p>	

Question/focus to be addressed	Data/information source	Summary	Gap in data
		<p>three of our London offices. They are able to provide interpretation services for residents coming into the offices who do speak Bengali and not English. Our March 2010 Resident Profiling Analysis showed that Bengali was the most commonly spoken language after English.</p> <p>As well as providing assistance on the services that Swan offer, staff are also able to signpost residents to other local support groups and services as needed.</p> <p>Key documents are available in accessible formats (including audio, Braille and large print) and in different community languages on request.</p> <p>Our service standards for tenancy management are clear, have been agreed in conjunction with our residents and have an accessible formats strapline.</p> <p>Staff have access to telephone interpreting via the provider Language Line and face to face interpreters can be arranged for meetings when required and when notice is given in advance. Hearing</p>	

Question/focus to be addressed	Data/information source	Summary	Gap in data
		<p>Loops are also in use in designated areas.</p> <p>The introduction of the “Talk Signs” in our receptions also enables residents to access basic service information in an audio format in English, Bengali or Somali.</p>	
<p>Staff are adequately trained to recognise the needs of different communities and / or equality groups.</p>	<p>Review of operations, practices and training</p>	<p>The Neighbourhood Services Team work with individual residents, the local community and in the neighbourhood to offer a service that accommodates the needs of individual residents as far as possible.</p> <p>All staff receive equality and diversity training. Members of the Housing Team attend the Housing Diversity Action Forums (DAF's) and feedback to the wider teams.</p> <p>Housing staff use resources such as the Faith Guide and profiling information when contacting and visiting residents. They also participate in local community events, which is importance in</p>	

Question/focus to be addressed	Data/information source	Summary	Gap in data
		<p>contributing to the promotion of equality, social inclusion and community cohesion.</p> <p>Staff also receive training and guidance on hate crime, harassment and domestic violence. Although these issues are not directly linked to these policies they may be reasons for apparent abandonment or illegal occupation. It is acknowledged that hate crime based on age, disability, race / ethnicity, religion or belief, sexual orientation, gender or transgender status is a serious problem when it occurs. The provision of adequate support is vital and this is covered by separate Swan policies.</p>	
Policies are applied to meet the needs of our vulnerable residents.	Review of current operations	<p>The needs of each resident are considered and appropriate support provided.</p> <p>Swan also makes it clear through the sign up process what is required from tenants in terms of illegal occupation, abandonment, succession and assignment.</p> <p>Although the policies are governed by</p>	

Question/focus to be addressed	Data/information source	Summary	Gap in data
		<p>legislation, there is scope for Swan to use its discretion in exceptional circumstances, where we are not required by law to do so. An example of this is when we grant a tenancy to a carer who has lived with the tenant over a substantive period of time, but would not technically be entitled to the tenancy.</p> <p>In all cases when we receive a request for a discretionary 'succession' we will always consider it carefully and only refuse where it is necessary and reasonable to do so.</p> <p>However, we also need to consider how we make the best use of our stock and this will take into account both under occupation and those properties that have been adapted for the use of a disabled person.</p>	

Consultation

Most proposed policies, decisions or changes to existing policies will require consultation in order to understand the views of those likely to be affected. This consultation should take place when proposals are at a formative stage to enable staff to have an understanding of differences in views of diverse communities.

Please record below the consultation that was undertaken or considered as part of the assessment and a brief summary of findings.

Question / focus to be addressed	Description of consultation considered <i>Please include details of who was consulted, numbers taking part, methodology</i>	Key findings <i>Please include differences in views/needs as expressed by different sections of the community</i>
Overall consultation on policies including equality and diversity issues.	<p>Resident Consultative Committees(RCC's)</p> <p>The Essex and London RCCs were consulted on the draft policies as below:</p> <p>Illegal Occupation Policy – June 2008 Abandonment Policy – December 2009 Succession Policy - December 2009 Assignment Policy - December 2009</p> <p>The RCC's scrutinise the policies and agree them.</p>	There were no specific equality and diversity issues raised during the consultation process.

STEP FOUR: Assess Impact

Having considered the information collected and the findings of the consultation, make an assessment of whether there may be a positive, adverse or disproportionate impact in respect of the questions or areas of focus for the EIA. If there is likely to be an adverse or disproportionate impact upon a particular community, make a judgement as to whether this is justifiable (a proportionate means of achieving a legitimate aim). Please record your conclusions below.

Question / focus to be addressed	Is there likely to be a positive, negative or disproportionate impact? (Please explain briefly the evidence that supports this.)	Is this impact justifiable? (Please explain briefly.)
All of the focus points addressed.	There is not likely to be a negative equality impacts in relation to any of the focus points examined.	

STEP FIVE: Action to Mitigate Adverse Impact

Where there is likely to be an unjustifiable negative or disproportionate impact, consider what mitigating action might be taken and if an improvement performance target needs to be set. Complete the box below.

STEP SIX: Plan and Set targets

The actions and targets should be incorporated into any relevant strategic documents and work plans. The lead EIA officer is responsible for overseeing this.

Adverse or negative impact to be addressed	Action required	Performance/outcome target	Lead Department/Section/Officer	Timescale
Gap in data	Undertake an equality review of any complaints received in relation to tenancy management policies and procedures to establish any potential equality issues.	Data collation and analysis to be undertaken by April 2011. Any necessary action to be built into the Service Improvement Plan by May 2011.	Jackie King – Regional Housing Manager	May 2011
Improve staff training so they are better placed to respond to the diverse needs of our residents	Equality and Diversity Workshop Sessions on priority areas to be delivered to Housing staff. Review of current procedures (applicable to the policies assessed) to ensure that these are clear and up to date and that staff are aware how to handle individual cases.	First session to be delivered by February 2011. Procedures updated by April 2011.	Samantha Sizeland – Equality and Diversity Manager Jackie King – Regional Housing Manager	February 2011 April 2011

STEP SEVEN: Reporting and Logging the EIA

- 1) **Housing Managers** should send a copy of the EIA pro-forma to the Housing Diversity Manager for comments before it is finalised.
- 2) The EIA must be approved by the relevant service manager.
- 3) Managers may also wish to consider writing a covering report or paper for EIA's of a very strategic nature (this is optional).
- 4) Managers should keep a signed copy of the completed EIA pro-forma for their records.
- 5) The completed EIA should be reported to the relevant Diversity Action Forum (DAF).
- 6) All non housing managers should send an electronic copy of the finalised EIA to Central Services for the corporate log (the Housing Diversity Manager will do this for housing managers once the EIA has been agreed).
- 7) Key EIA's should be published on the Swan websites (the Housing Diversity Manager will arrange this for housing managers once the EIA has been agreed).

Signed.....

Print Name Jackie King

Job Title London Regional Housing Manager

Date 30th November 2010

Date sent to Housing Diversity Manager (if applicable) 30th November 2010

Date sent to DAF Scheduled for January / February 2011 meetings

Date sent to Central Services for Corporate Log December 2010