

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being or has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Resources and Housing	Service area: Housing Leeds
Lead person: Kath Bramall	Contact number: 07712 216961

1. Title: Tenancy Agreement Review 2017

Is this a:

Strategy / Policy

 Service / Function

 Other

If other, please specify

2. Please provide a brief description of what you are screening

The council’s Tenancy Agreement sets out the respective rights and responsibilities of council tenants and Leeds City Council in its role as a social landlord. The Tenancy Agreement is a legal contract between the two parties.

The council is reviewing the Tenancy Agreement which was last reviewed in 2008. This is in response to changing legislation, operational practice and to concerns raised by tenants in the 2016 Tenant STAR survey. It is also an opportunity to significantly change the format and layout of the agreement to make it more user-friendly.

Much of the agreement reflects statutory provisions which the council cannot control, for example, introductory tenants have fewer rights than secure tenants. However, the council does have a degree of discretion to exercise its powers in certain circumstances.

The Human Rights Act applies to the Tenancy Agreement as follows:

Article 6: Right to a fair trial or hearing – this is an absolute right which applies to contractual agreements and disputes. The Equality and Human Rights Commission gives the example that ‘a person who is subject to a decision-making process in relation to a possible eviction should have access to an interpreter, if necessary. Decisions should be given with reasons. Article 6 is likely to be particularly relevant in review or appeal proceedings which would determine a tenant's rights. However, it may not be necessary for decision-making to fulfil all the conditions of a 'fair hearing' if a person has access to a subsequent appeal process which would satisfy these requirements.’

The right to a fair hearing is included within the council's tenancy management procedures, for example, the council will give reasons for its decisions, and tenants have a statutory right to request a review of certain decisions, for example, to extend an Introductory Tenancy or Demote a Secure Tenancy. Where this is the case it is stated in the Tenancy Agreement which is supported by guidance for staff.

Article 8: Right to respect for private life, family life and the home

Under Article 8 everyone has the right to respect for their private life, family life and their home. This includes the right to live together as a family and not be separated.

Article 8 is a qualified right, not an absolute right. This means the right to respect may be interfered with, if the council is acting in the interests of one of the following: national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. The council must act in accordance with the law and use the least intrusive way of achieving the legitimate objectives.

In common law tenants have the right to ‘quiet enjoyment’ of their council tenancy, and as a social landlord the council must take positive steps to prevent the tenant's quiet enjoyment being disturbed by other people, for example, by nuisance or anti-social behaviour.

The Tenancy Agreement contains a number of provisions that may be considered intrusive, but these are justified to prevent crime (eg illegal subletting of a council tenancy to a person other than the rightful tenant); public safety (eg gaining access to the home to undertake gas / electric checks); for the protection of health (eg messy gardens clause, prohibition on collecting or hoarding excessive items and possessions to the extent that the property is not accessible); for the protection of the rights and freedoms of others (eg clauses prohibiting antisocial behaviour and nuisance).

In addition the council will consider the impact of the Tenancy Agreement on different equality characteristics. The Tenancy Agreement imposes certain duties on tenants, for example to pay their rent on time, to undertake small repairs and allow access to the home where reasonable. There is potential for certain groups to be disadvantaged by these terms, for example, tenants on low incomes or benefits, or homeless customers moving from temporary accommodation may struggle to pay 2 weeks' rent in advance or to afford to do small repairs themselves.

Tenants who are unable to read and whose first language is not English may also require additional support to ensure they fully understand the terms of the Tenancy Agreement.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies and policies, service and functions affect service users, employees or the wider community – city wide or more local. These will also have a greater or lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	✓	
Have there been or likely to be any public concerns about the policy or proposal?	✓	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	✓	
Could the proposal affect our workforce or employment practices?	✓	
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations	✓	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

Yes. The scope of the Tenancy Agreement means a large number of customers from

diverse backgrounds are likely to be affected.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The existing Tenancy Agreement and proposed changes may impact positively or negatively and are likely to impact on tenants' Article 6 and 8 rights.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

A full Equality Impact Assessment will be undertaken when the final version of the Tenancy Agreement is approved following consultation with tenants.

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	Nov 2017 – January 2018
Date to complete your impact assessment	January 2018
Lead person for your impact assessment (Include name and job title)	Kath Bramall

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Kath Bramall	Housing Manager	13/12/17
Date screening completed		13/12/17

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.

- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent: 13/12/17
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: