

Equality Impact Assessment in Housing (EqIA)

Guidance and Template for Housing Associations, Local Authorities and Housing Support Organisations

INTRODUCTION

This document provides information and guidance on Equality Impact Assessment. It consists of guidance, which explains what equality assessment is, its benefits, how to undertake it, which organisations it applies to as well as providing detailed guidance on the process.

Appendix contains a template which can be used by organisations as an EqIA form. We recognise that local authorities would usually have their own corporate forms.

WHO IS THIS GUIDANCE FOR?

This EqIA guidance and template can be used by any housing organisation including housing associations, local authority housing departments and housing support organisations to assess the impact of their policies and/or practices on people with protected characteristics.

WHAT IS A EqIA?

EqIA is a process that enables you to proactively think about the impact of decisions, policies, practices and service areas on protected groups/ characteristics. It can help you to proactively scrutinise what you do to make sure that:

- You don't inadvertently discriminate against groups with protected characteristics even where policies are intended to be fair and treat everyone equally
- You take every opportunity to proactively advance equality for different groups, where they experience disadvantage

Example of EqIA conducted by a housing partnership

Tai Pawb were asked to assist with an EqIA on eligibility criteria for an affordable housing register which provides homes for rent and purchase below market rates for people who are not eligible for social housing but cannot afford to rent or buy at market rates. Eligibility criteria, based on affordability, was seemingly the same for everyone and included employment requirements and exclusion of welfare benefits other than working tax credits from income requirements. The EqIA identified that some requirements could indirectly discriminate against disabled people who cannot work or are in receipt of other benefits whilst still being able to afford the houses advertised. Subsequently, the criteria was adjusted to allow for greater flexibility for this group.

WHY CARRY OUT AN EqlA?

Modern approach to embedding equality recognises that discrimination and disadvantage experienced by diverse groups is often hidden and unintentional. Policies, procedures and practices may aim to treat everyone equally, however different groups of people may face barriers to access, may have unequal experiences or outcomes from services or employment.

5 key reasons to carry out an EqlA:

- To comply with Equality Act 2010 and prevent legal challenges
- To ensure you don't inadvertently discriminate against people – even when policies are seemingly fair
- To improve services or employment experiences and remove barriers for people; it can be a great business improvement tool!
- To advance equality for groups which might experience disadvantage
- To help decision makers make evidence-based decisions

Examples of how EQIAs can help identify areas of potential discrimination:

- ✓ You carry out an EQIA on your allocation process. During the process you look at previous complaints. One complaint relates to age limits on household members/ partners for one of your schemes for over 60s. You recognise that this could have a negative impact on older people with a partner under 60 in terms of their right to a family life. A local disability charity you consult with notes your policy at the moment could have a negative impact on younger disabled people who may benefit from support in the scheme or older people caring for a disabled adult child under 60. You are concerned that you cannot objectively justify your position and are open to challenge. Through identifying this you are able to amend the policy and provide greater clarification.
- ✓ You carry out an EqlA on your tenancy management policies. During this process one of your housing officers highlights a recent experience where a tenant informed the organisation that they were in the process of transitioning from one gender to another and wanted to amend their records. However staff were really unsure about the correct process and what evidence to ask for. This is an important issue that could lead to discrimination by accident, for example if a letter is sent out with the wrong title or staff mistakenly request a Gender Recognition Certificate. The EqlA process meant that you identified actions to update procedures so that staff are aware of what documentation evidence they can and cannot ask from the tenant and what records needs to be changed on the system.

WHICH ORGANISATIONS SHOULD CARRY OUT EqlA'S?

Local authorities are under a specific equality duty to:

- assess equality impact of their policies and practices
- publish assessment reports where substantial impact is identified and
- engage with people with protected characteristics (or their representatives) in the EqlA process

While **housing associations** do not have a specific duty to carry out EqlA's, they need to comply with general equality duty to advance equality, eliminate discrimination and promote good relations between different groups (in majority of their functions). EqlA's are commonly accepted as the best way to ensure this. This is because an EqlA allows the organisation to actively consider how they comply with equality duties. This can help meet regulatory standards and deliver fair and equitable services.

Third sector housing support organisations are generally not required to comply with either specific duty to carry out EqlA's or the general equality duty as above. They may however wish to adopt an approach for considering the equality impact of their work, to ensure they don't discriminate. Additionally, where third sector support organisations are commissioned by the local authority (or another public authority) to deliver services, they are required to comply with the general equality duty (similarly to RSL's). EqlA's can help ensure compliance.

You can read more about equality impact assessments and legal duties in Wales this guidance from the Equality and Human Rights Commission.

WHEN TO CARRY OUT EqlA?

EqlA **should** be carried out when:

- Developing a new policy/practice/service
- Reviewing existing policy/practice/service

Remember: EqlA's are most effective when carried out concurrently with the developments or revisions NOT when policy development or review is completed, so that you can make an informed decision.

Example:

A Housing Association knows that Welsh Government funding for the delivery of PAGs (physical adaptation grants) is changing. While previously adaptation funds were demand led, the grant will now be capped based on a needs-formula. The RSL carries out an EqlA, including engagement with disabled tenants and looking at data: adaptations in the last 5 years, profile of disabled tenants, accessibility of current homes and other evidence. The RSL identifies that: disabled tenants are worried about limited access to adaptations; the need may exceed funds available therefore changes to policy are required. The RSL: creates an additional budget for adaptations,

sets up a framework for monitoring demand and funds available which involves disabled tenants' feedback, sends out clear communication to tenants; commits to annual review of demand and delivery.

EqlA **can** be carried out when:

- You have identified existing or potential discrimination/barriers experienced by people with protected characteristics. An EqlA can help you establish the facts and make a decision/improvement.
- Policy, practice or service have never been equality impact assessed – EqlA could help you look into the experiences and outcomes for different groups.

Example:

A housing support organisation operating in an ethnically diverse area identifies that their staff diversity levels are much lower than the local population and the diversity of their service users. The organisation conducts an EqlA which includes: reviewing diversity data of current staff, job applicants and successful applications in the past 3 years; engagement and survey with current ethnic minority staff; engagement with similar local organisations which have a more diverse staff population; research on best practice; engagement with local third sector ethnic minority organisations. As a result of the EqlA the organisation creates an action plan aimed at increasing the number of applications from diverse communities. This includes: targeted advertising and networking, improved recruitment process, work placement and internship scheme aimed at ethnic minority communities, data collection and analysis, community engagement, changes to current organisational practices to make them more inclusive.

GOVERNANCE AND EqlA

Boards of housing associations and third sector associations and relevant committees in the local authority are ultimately responsible for key decisions in the organisation. Relevant board/committee reports should therefore be accompanied by a summary of EqlA. This is particularly relevant where decisions are made on:

- New plans, e.g. decarbonisation or retrofit
- Changes to services or employment conditions
- Budgetary decisions or withdrawal of services

We would recommend that EqlA summaries for boards/committees include the following:

- Summary of evidence considered e.g. equality data, information, research and engagement
- Actual or potential negative impact and recommended actions (or actions taken to remedy)
- Potential steps that could advance equality for specific groups and recommended actions (or actions taken)

Please note: Local Authorities have a legal duty to publish EqlA reports where they show substantial (likely) equality impact. You can find out more in [EHRC guidance](#).

WHO SHOULD CARRY OUT EqIA

EqIAs should be carried out by a group of people not one person in isolation, although it is good to have one person co-ordinating the work. Having a group of people allows different perspectives and expertise to feed into the process. As a result, any assessment is likely to be more effective. Examples of who to involve include:

- Manager with practical knowledge of how the policy/practice operates
- Tenant facing officer (for services)
- Someone with EDI knowledge
- Tenancy support staff (for services)
- Tenant engagement staff (for services)
- Tenants or advocacy org (where practicable)

ENGAGEMENT OF PEOPLE WITH PROTECTED CHARACTERISTICS

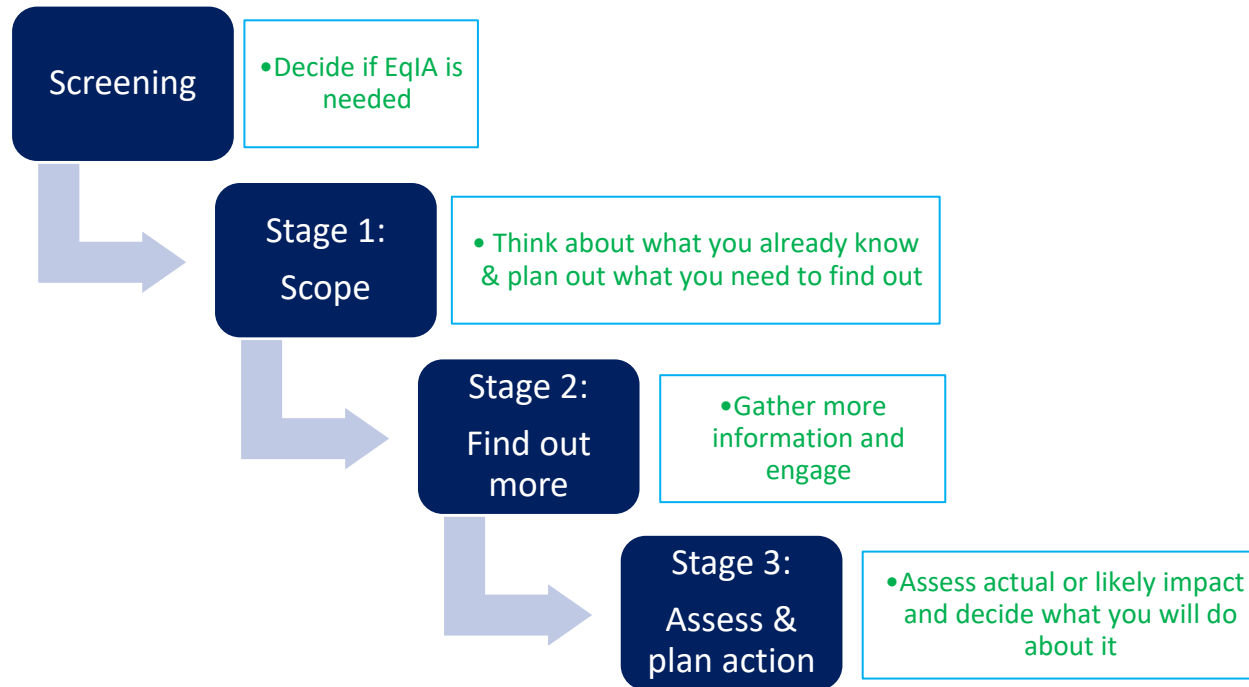
Local authorities have a legal duty to engage with diverse people or their representatives in an EqIA (for more information see 3.1. in EHRC [guidance on engagement](#))

For housing associations and housing support organisations it is good practice to engage relevant diverse people or their representatives w in the EqIA. Regulatory standards for housing associations specify tenant engagement requirements.

More information on who and how to engage can be found in step-by-step guidance below.

STEP BY STEP GUIDE

EqlA process can be broken down into the following steps:



SCREENING

This stage before EqIA will help you decide whether equality impact assessment is actually needed. It is a short, sharp exercise to help organisations determine whether a policy or practice affect people on the ground. In reality, most housing, support or homelessness policies will affect tenants or service users. Strategic budgetary decisions, cuts or withdrawal of services should always be impact assessed. Our template lists specific housing policies and more general decisions that will need to be equality impact assessed.

Justifying decision not to proceed

If you decide that EqIA is not needed, you will need to justify it, by explaining why you think that it is unlikely that (some) protected groups will experience barriers because of your policy/practice. Our template provides space for justification, if needed. It is a common mistake however to stop at screening. This is often due to lack of awareness of potential barriers or an assumption that policies/practices treat people equally by design. If you are not sure, contact helpline@taipawb.org / 029 2105 7957

Proritising EqIA's:

Prioritising: EqIA's should be carried out where proportionate and practicable. It is therefore expected that organisations will need to prioritise certain policies over others.

STAGE 1: SCOPING

At this stage you can use your collective knowledge to think about what you already know about actual/potential barriers experienced by people with protected characteristics. You can also plan what, how and where you can gather more information about the experiences of different groups (so that you can make an evidence-based decision in Stage 3).

What you already know:

You might already be aware of internal service or employment data, or simply be aware of how e.g. different tenants experience the service. You might have carried out previous engagement or have recently reviewed feedback from tenants or staff. You might also be aware of research on a given topic or good practice in other organisations. Our template enables you to write this information down for later consideration. **Examples:**

- ✓ EqIA of Repairs and maintenance: You might already know that e.g. disabled people are experiencing barriers in reporting repairs in your organisation because you have had some feedback about it.
- ✓ EqIA of development plan: You might already be aware of overcrowding in your properties mostly amongst e.g. Bangladeshi and African families and that there is a need to build larger homes.

What else you need to find out:

It is possible that you simply have no current knowledge of how specific groups experience your policy or service. Or you might have some limited information but need to find out more robust data. Another possibility is that you have data about a specific group but you need to speak to some diverse tenants/staff to find out what it could mean. At this stage it is good to assign responsibility for gathering further information or engagement to relevant members of staff. **Examples:**

- ✓ EqIA of repairs and maintenance: You have some feedback from one or two disabled tenants experiencing difficulties in reporting repairs but have no detail. You plan to: analyse satisfaction with repairs data by disability status/type to see if this is a wider problem; speak to more disabled tenants with sensory impairments to get more detail of what the issues are.
- ✓ EqIA of development plan: You already know about the need to develop more larger homes but have no robust data. You plan to: analyse housing conditions data by ethnicity; analyse overcrowding data of current tenants by ethnicity; ask local authority for data on overcrowding from the waiting list (broken down by ethnicity) and predicted trends in family growth in your areas from their LHMA.

STAGE 2: FIND OUT MORE

This is where you would look for more information about how different people experience your service or organisation. By ‘evidence’ and ‘data’, we mean qualitative as well as quantitative evidence, including anecdotal, not just figures and so called ‘hard’ evidence. Table below can help you explore the types of information you may want to look for.

Check internal evidence

- **Equality Data:** e.g. tenant satisfaction by protected group, use of service by protected group, service outcomes by protected group, job applications, promotions, staff views etc by protected group
- **Staff knowledge:** colleagues delivering the service or support (or managers in the case of HR policies) may know more about the experiences of different groups.
- **No information?** Complete EqIA based on the evidence you have, engagement and external research BUT include an action to put systems in place to collect the information you need. Once collected – you should revisit the Equality Impact Assessment (taking into account new data)

Engage

- **Engage directly with affected people:** Ideally you would speak to affected groups directly, e.g. via focus groups, surveys etc. especially where the change you are making or the policy is a major one. Where this is not possible/proportionate, look below.
- **Look at views** from previous engagement activities
- **Speak with community/advocacy groups** working directly with protected groups; attend their events/meetings etc.
- **Speak with individual tenants/staff** (if HR policy) from protected groups e.g. one organisation contacted tenants from protected groups who were dissatisfied or had recent experience of policy/practice

Check external research

- **Check out Tai Pawb’s** resources page and Tai Pawb’s own publications
- **Google** the policy you are assessing and the specific protected group, e.g. ASB & disability
- **Check out equality group websites**, e.g. Stonewall, EYST, Race Council Cymru, Disability Wales, Mind, Age Cymru, Housing Lin (for disability and older people) etc., EHRC, Older People’s Commissioner, Children’s Commissioner etc.
- Check out **Census data**, national and local
- **Contact equality lead** in your local authority, health board etc.

STAGE 3: ASSESS IMPACT & PLAN ACTION

This is where you assess the actual or potential impact of the policy/practice on different groups based on all of the information gathered above. You will (potentially) put actions in place to:

- mitigate negative impacts
- advance equality for groups experiencing barriers (where barriers are not necessarily due to your policy/practice but wider inequality issues)

MITIGATING NEGATIVE IMPACTS

What you found out at stage 1 or 2	Stage 3: Assess impact and plan action
Muslim tenants are much less likely to be satisfied with repairs service. We have spoken to some Muslim tenants and staff and found out that some language and cultural needs are not being met by repairs service.	Our practice could have negative impacts. ACTION: We will review repairs service, involve Muslim tenants in the review and action findings.
No reports of ASB from disabled tenants despite comprising 20% of tenant population. Have spoken to police who had several reports of disability hate incidents from our street. Tenancy support staff aware of a series of 'low-level' incidents.	Our practice could have negative impacts. ACTION: We will engage with disabled tenants in the ... street and work out the best way to tackle the hate incidents. We will provide hate incidents training to all staff and encourage to report. We will raise awareness with tenants. We will change ASB policy/practice to better recognise hate incidents. We will put trigger points for review on series of low-level incidents. (OR, if no sufficient time to do all of the above - we will check the identified disparity with the police, tenancy support staff and tenants)
Despite shared parental leave policy, no men or partners of birth giving parents took more than 2 weeks off work after childbirth. Recent parents tell us that the policy pays contractual leave to partners who give birth, but only Statutory Pay to the partners.	Our policy has negative impacts. ACTION: We will change Shared Parental Leave policy so it treats all parents equally. We will promote the policy.

ADVANCING EQUALITY BY PROACTIVELY REMOVING BARRIERS. This is where barriers identified may not amount to discrimination due to the policy/practice, but wider inequality issues over which you have no control. Part of Equality Act duty is to consider how you can advance equality for people in these situations where proportionate and practicable.

What you found out at stage 1 or 2

(When reviewing rent policy) Our data shows that Black tenants, lone parents and disabled people are more likely to be in rent arrears. External research and tenant consultation shows that this is mostly due to benefit cap, changes to UC and wider societal barriers that make it difficult for some groups to access and maintain work.

Stage 3: Assess Impact and Plan action

We could help advance equality by proactively removing barriers.

We will review community investment strategy and activities to help remove barriers for these groups e.g. as part of your review, you change your targeted employment and training policy to provide specific opportunities for these groups. You tailor and target your employability support and partner up with local employers to provide living wage opportunities without barriers. You partner up with organisations providing specific employment support for these groups.

At Stage 3 you will have two other options:

- **Stopping the policy/practice** – if impacts are severe and there is no practicable way of mitigating those, you may need to stop the policy/practice/decision, e.g. stop a withdrawal of service or funding.
- **No action:** where no barriers have been identified this is fine. If you have identified barriers which amount to [direct discrimination](#) – you must take action. However, if you have identified actual or likely potential barriers, and these barriers could amount [to indirect discrimination](#) – **you will need to justify decision to take no action.**

Your justification needs to evidence that:

- **the aim of the policy/practice is ‘legitimate’**, i.e. a real, objective consideration, and not in itself discriminatory (for example, ensuring the health and safety of others would be a legitimate aim). If the aim of the policy/practice or change is simply to reduce costs because it is cheaper to discriminate, this will not be legitimate
 - **taking no action is ‘proportionate’ way of achieving this aim:**
 - This is a balancing exercise: does the importance of the aim outweigh any discriminatory effects of the unfavourable treatment?
- AND

There is nothing [reasonable](#) or [practicable](#) you can do to lessen the discrimination.

EQIA TEMPLATE FORM

BEFORE YOU START

Double Check: What triggers an EqIA? [Guidance](#)

- ✓ **Developing a new** policy/practice/service → proceed to screening
- ✓ **Reviewing an existing** policy/practice/service → proceed to screening
- ✓ **Up to you:** you may wish to carry out an EqIA because:
 - Policy/practice/service hasn't been EqIA's before
 - Your data/staff/tenants identified potential discrimination or barriers
- ✓ **None** of the above → Stop here

SCREENING: Decide whether EqIA is needed

You could insert this section into your policies to prompt EqIA screening at review

Write down some details

What are the day-to-day activities under this policy, function etc?	<i>(e.g. taking calls, assessing affordability, assessing eligibility, support meetings etc.)</i>
Who is on your assessment team? Who's the lead? Guidance E.g. <i>Manager with practical knowledge of how the policy/practice operates</i> <ul style="list-style-type: none"> • <i>Tenant facing officer (for services)</i> • <i>Someone with EDI knowledge</i> • <i>Tenancy support staff (for services)</i> • <i>Tenant engagement staff (for services)</i> • <i>Tenants or advocacy org (where practicable)</i> 	
Who is the senior officer (for sign off)?	

Decide whether EqlA is needed. Guidance	
Are you assessing (changes to) one of the following policies, practices, decisions, services etc?	Please tick
Strategic budgetary decision	
Grant-making activity	
Change to service delivery	
ASB	
Repairs/Maintenance/WHQS etc.	
Rent/Service Charges/Recharges	
Allocations/lettings	
Recruitment or pay policy	
Communications/Customer Contact	
Does the policy affect service users, employees, or the wider community (therefore be likely to have significant effect on groups of people with protected characteristics)?	
Is it a major policy/practice, significantly affecting how functions are delivered in terms of people with protected characteristics?	
Does it relate to activities that have previously been shown as important to particular characteristics?	
Does it relate to a policy/practice where there is significant potential for reducing inequalities or improving outcomes?	
Does it relate to an area where there are known inequalities? (For example: accessible housing, pay gaps, racist or homophobic harassment, communications.)	
Does it relate to an area where there is a lack of data, evidence, published research etc?	

Ticked any of the above?	Proceed to EqlA
Not sure?	Contact helpline@taipawb.org / 029 2105 7957
No ticks?	Stop here, no need for EqlA. Justify your decision here (see guidance):

EqlA FORM

	Complete at STAGE 1 SCOPING			Complete at STAGE 2 FINDING OUT MORE	Complete at STAGE 3 ASSESS IMPACT & PLAN ACTION
Protected Characteristic	What do you already know? Guidance <i>What evidence have you already got, including:</i> <ul style="list-style-type: none"> • internal evidence (data, staff knowledge etc) • previous engagement, tenant views etc • external research reports, good practice 	What do you need to find out? Guidance <ul style="list-style-type: none"> • What evidence will you look for? • Who will you need to engage with/speak to? 	Who will find out	What did you find out? Guidance	Guidance <ul style="list-style-type: none"> • Does or <u>could</u> the policy/practice have negative impacts on protected groups? • Could we help to advance equality by proactively removing barriers? • Actions: <ul style="list-style-type: none"> • Stopping the policy/practice • Removing/minimising barriers • No action (caution: please justify)
Age					
Disability					
Sex					
Gender Reassignment					
Race					
Religion/Belief					
Sexual Orientation					

Pregnancy/ Maternity					
Marriage/ Civil Partnership					
Welsh Language					
Socio- economic status	(only for decisions of strategic nature)				
Literacy (optional/ good practice)					
<p>How we will monitor the impact of this policy: <i>e.g. We will check the equality data for rent arrears annually to check if our actions have impact.</i> <i>We will engage with relevant Black and Trans tenants twice this year to check whether our mitigating actions have impact.</i></p>					
<p>Signed: Lead officer for this EqlA: Date :</p>			<p>Signed: Senior Manager responsible for this area: Date:</p>		

EqIA REPORT

See [guidance on governance](#) above. You can attach this table to board or committee reports. Alternatively, you can provide them with a link to the whole EqIA.

EQIA REPORT	
Purpose of the policy/practice assessed	
Steps we have taken to carry out EqIA and information we have taken into account	<p>Examples:</p> <ul style="list-style-type: none"> • analysed rent arrears by protected characteristic • spoke to (provide number) disabled tenants • engaged with local lone parents group • reviewed satisfaction by protected group • spoke to hate crime officer from local police service • used data and good practice from recent Disability Wales report
Results of assessment and decisions taken	<p>Examples:</p> <ul style="list-style-type: none"> • identified potential negative impact in relation to... • planned the following mitigating action
Signed: Lead officer for this EqIA: Date:	Signed: Senior Manager responsible for this area: Date:

