

EQUALITIES IMPACT ASSESSMENT

HOMELESSNESS SERVICE

Executive Summary

This is the report of the Full Equalities Impact Assessment (EIA) of the Council's Homelessness service. Its format follows the Council's Corporate template for a Full EIA.

The report begins by explaining why the Homelessness service was chosen for an Impact Assessment and then goes on to provide some background to the policy, its perceived problems and the outcomes from the Initial EIA.

The Full EIA was based on comprehensive consultation with relevant experts who provided detailed comments. This is set out in Section 7 of the report. The comments from consultees covered matters of policy, the content and format of the Homelessness application form and the Policy, the role of officers and a small number of miscellaneous points.

This has led to specific recommendations, discussed in Section 8 of the report. These recommendations include a number of recommended changes to the policy document that will be considered and incorporated within the revised document.

1. Introduction

Solihull Council has a statutory duty to assess the impact of its policies and to promote equality of opportunity in its communities (1).

The Council's Homelessness service was identified as requiring early attention in the Council's programme of EIAs because,

- Homelessness has a close link to Housing Allocations, which was the subject of the first housing related Full EIA
- The Homelessness service is important. The Council received 597 homeless applications in 2006/07
- In total SCH saw 1743 Households who approached them for housing advice or assistance with homelessness
- Solihull's Community Strategy aims to make Solihull a good place to live for all residents. Tackling and preventing homelessness can make an important contribution to this goal
- Homeless persons are usually vulnerable and the quality of homelessness administration is therefore important with regard to the Council's objectives,
 - Objective 2 'Improving your quality of life'
 - Objective 3 'Closing the gap of inequality'
 - Objective 4 'Treating you as an individual'
 - Objective 5 'Good value services'
- The causes of homelessness are diverse, linking to other important issues in Solihull such as domestic violence, debt and the well-being of younger people

1 Sex Discrimination Act 1975, Disability Discrimination Act 2005, Race Relations Act 1976 and Race Relations (Amendment) Act 2000, CRE Housing Code of Practice, CRE Disability Equality Scheme, Goods and Services Regulations (April 2007)

2. Background

2.1 Background Information

The Council has a statutory duty to provide homelessness and housing advice services within the Borough. In Solihull these functions are delivered on the Council's behalf by Solihull Community Housing (SCH). If any household is homeless or threatened with homelessness they have a legal right to approach the Council to be assessed under the relevant legislation (Housing Act 1996 as amended by the Homelessness Act 2002). The homelessness legislation clearly defines the procedures and issues that need to be considered and Communities and Local Government (CLG) produce a statutory code of guidance to assist Local Authorities with their decision making processes.

2.2 Perceived problems with the Policy

On the basis of the Initial impact assessment, the perceived problems of the Homelessness service with regard to equalities relate to,

- Race – In the absence of local intelligence, national figures from the CLG indicate that the BME population is most at risk of becoming homeless and are 3 times more likely to be statutory homeless than the majority white population. Each ethnic group within the BME population has its own cultural patterns (which in some cases may reflect religious beliefs) and specific needs that must be taken account of.

The potential difficulties can be due to a lack of knowledge or engagement of staff with regard to different ethnic groups and their housing needs, preferences and aspirations; a recognition that some BME groups do not approach local authorities for housing; a lack of understanding regarding cultural issues such as arranged marriages and extended families living together.

BME households are over-represented in Solihull's homelessness statistics. For example in 2006/7 6.5% of homeless applicants in Solihull were BME. This compares to a BME population in Solihull of 5.4% (2001 Census).

There are also differences in the rates of statutory homelessness between the various BME groups in Solihull, with Black Caribbean and Mixed race ethnic groups nearly twice as likely to be accepted as homeless than people of Asian origin. The Asian population in Solihull is the largest ethnic minority group but is relatively under represented within Solihull's homelessness statistics.

The 'P1E' (the official return that all local authorities have to make to CLG in respect of homelessness) does not provide the breakdown of homelessness by ethnic group linked to causes and frequency of people's homelessness. Homelessness has not in the past been mapped in this way. Guidance from the CLG suggest that some people from BME communities who are at risk of homelessness do not approach homelessness services for help and are more likely to seek their own solutions before seeking services of the local authority. The main issues affecting the low take-up of homelessness services (in relation to assumed needs) include:

- The lack of a strategic approach to BME populations (including the Gypsy and Travelling Community) amongst local authorities, which meant that services were not always meeting the needs of those groups;

- The fact that many members of BME populations lacked basic knowledge about homelessness services and were not aware of their rights;
 - Communication problems, which meant that those who do not speak English were less likely to approach services or to receive the most adequate service;
 - Negative images of social housing, including fear of discrimination and harassment;
 - Fear of being accommodated in unsuitable, “White only” areas, away from one’s own community and support networks;
 - Cultural preferences for home ownership, especially in the South Asian communities.
- Gender - Male victims of domestic violence may not be taken as seriously as a female victim because this is less common and is sometimes seen as less serious.
 - Vulnerable persons - In assessing a homelessness application, disabilities have to be considered as they may make the applicant vulnerable and therefore in ‘priority need’. Some SCH officers could interpret the legislation and guidance more restrictively than others. People with serious learning disabilities or mental health issues are unable, by law, to make a homeless application if they are unable to understand the legalities of holding a tenancy
 - Sexual Orientation – SCH do not currently monitor the number of Lesbian/Gay/Bisexual (LGB) people accessing the housing options service. Same sex domestic violence may not be taken as seriously as heterosexual couples. There may be a lack of understanding regarding civil partnerships and LGB issues
 - Age - Risk of a different approach by staff to homeless people of different generations, for example a 16 year old compared to a homeless 70 year old
 - Religious belief - Lack of understanding of religious beliefs and therefore circumstances that lead to homelessness may not be fully understood

It was therefore concluded that the Council needed to do a Full EIA to explore these points further and identify any other equality shortcomings.

3. Methodology & Sources of Data

A wide range of data and other intelligence has been used in this EIA,

- Statutory data returns on homelessness made by SCH and the Council to central Government ('P1E')
- Consultation with the Head of Housing Options at SCH
- Consultation with relevant organisations as part of the Initial EIA (see Section 7.2)
- More detailed consultation with others as part of the Full EIA. This involved recruiting a panel of people with a wide range of relevant expertise (see Section 7.2)

The Council's Equalities Development Adviser has provided valuable input to the study.

4. Assessment of Impact on Equality

This section summarises the Council's assessment arising from the Initial EIA. Council officers and SCH staff completed the Initial EIA.

Sections 7 and 8 discuss the Full EIA and develop these points in greater detail.

On the basis of available information within the Councils P1E statistical returns to CLG there is no evidence that these adverse impacts are occurring regarding race or age. However regarding the other possible groups it is accepted that the monitoring is currently not undertaken and the policy may not be reaching some groups of people.

A number of potential adverse impacts with the policy were identified in the Initial EIA. These are summarised below, together with an assessment of their risk.

The main risks associated with the policy in regard to differential impact have been assessed as follows,

1. It could be possible for Officers to avoid accepting a homelessness application from someone on one of the grounds listed. However this is open to challenge from individuals and external agencies (advice centres and law firms)
2. A negative homelessness decision could be made to a household as the legislation and the code of guidance requires interpretation by individual officers. However internal mechanisms exist within SCH to ensure that officers are interpreting the legislation in the spirit intended. The Homelessness Manager carries out spot checks on case notes to ensure a fair and equitable service is being provided. Furthermore, each applicant has the right to request an internal review of the decision, which is carried out by Solihull Council.
3. It is possible to fail to provide temporary accommodation for a household although they may require it. However a draft 'homeless at home' policy

is being developed that will formalise this temporary arrangement, when appropriate.

4. Some BME groups may be unaware that the Council provides homelessness and housing advice as it is not specifically advertised as a service. Therefore new arrivals to Solihull may have difficulty in knowing what is available to them.

5. Consideration of Alternative Approaches/Mitigation of Adverse Impact

Solihull Council recognised the need to provide culturally sensitive support for BME populations for housing and prevention of homelessness. The Council established a BME housing floating support service as part the Council's Supporting People programme.

Within the existing Policy, a number of mitigation measures are possible to reduce the potential incidence of adverse impact.

These mitigation measures are shown below,

1. Relevant SCH staff have access to 'Language Line' (a telephone interpretation service) and to 'Type Talk' to assist communication with customers who do not speak English as a first language
2. SCH staff have a professional approach and are trained in equalities awareness. The needs of staff training with regard to equalities and diversities is assessed as part of the annual staff appraisal process
3. Clear written policy of language and translation services ensuring that information is delivered quickly
4. Council and SCH have clear written policy for racial harassment

6. Monitoring Arrangements

Effective monitoring is required to ascertain the impact of the policy following the adoption of equalities improvements.

There is no evidence of discrimination in respect of the Homelessness service in Solihull, but it is also clear that there is insufficient information to clearly demonstrate that discrimination is not occurring.

The development of monitoring categories across the Council is currently being undertaken. Once devised appropriate training will need to be provided to front line staff to ensure a systematic approach is undertaken.

In this case, the approach will be to monitor the profile of homelessness presentations and outcomes by vulnerable group compared to the level that might be expected from the general population. For e.g. if 10% of people

applying to SCH as homeless are from a BME background, the expectation would be that a similar proportion would be assessed as having a 'priority need'. Although there may be good reasons why the outcome could be different, where the outcome is significantly different this would be a matter requiring further investigation.

To achieve this monitoring will cover information on race, disability, age and gender, which will be collected on the Homelessness Application Form. A stronger monitoring statement will support this with relevant staff encouraged to remind people to complete this information where possible.

Monitoring of religion and sexual orientation are however more difficult. For example, one view was that sexual orientation must be monitored to ensure that the Council and SCH have an understanding of the types of problems LGBT clients are facing, This also ensures that applicants understand that the Council and SCH is LGBT friendly. This may mean that clients are more likely to reveal their sexuality, which may be relevant to their housing problem. Other respondents thought it impractical to collect real information on this. It is recognised that it is difficult to monitor this accurately and the response rate is likely to be very low. Taking these different views into account it is not recommended that sexual orientation is monitored. Data on Civil Partnership could be used as a proxy. It is also thought that monitoring religion is likely to be unproductive and should not be monitored

If initial monitoring identifies concerns, additional monitoring could be collected for the number of people who:

- Approach the homeless service for assistance with reasons for homelessness and who are found to require re-housing under homeless legislation
- Are given home options/advice and assistance, and what advice and assistance is given
- Are homeless for a defined period of time that is seen as unnecessarily long
- Decline temporary accommodation assistance

It is recommended that monitoring information be reported to the Monthly Monitoring Meeting ⁽¹⁾ on a half yearly basis. The monitoring outcomes will inform whether specific initiatives are required to promote equalities, for e.g. in relation to staff training and the 'reach' of the Policy.

(1)The Monthly Monitoring Meeting is a formal meeting between Solihull Council (as client) and SCH (as contractor) to examine housing performance

7. Formal Consultation

7.1 Why we consulted

The Council accepts that the views of a wide range of relevant groups are essential in developing a scheme that is effective for its purpose, and seen by customers to be fair. Failure to consult is not therefore an option.

7.2 How we consulted

There were limited responses to this consultation, but those that were received were helpful in completing the Initial EIA.

Consultees received an introduction letter, a briefing paper, a copy of the completed Initial EIA, the Homelessness Application form and a 'cut down' version of a staff procedure manual.

The following organisations were contacted:

- Race Equality West Midlands
- Birmingham and Solihull Women's Aid
- Age Concern
- Galop (an organisation that challenges homophobic and transphobic hate crime)
- CARA (housing association with gypsy and traveller specialism)
- St. Basils (housing association that works with young people and has a Housing Corporation 'Gold Award' for tackling homelessness and recognised strengths in service provision relating to diversities)
- Disabled Persons Network
- Solihull Care Trust (learning disabilities)
- Solihull Council officers (equalities, social care policy)
- Solihull Faiths Forum representatives (Christian, Jewish, Muslim)
- Solihull Churches Action on Homelessness

There was a disappointing response with only the Disabled Persons Network, St.Basils, Galop, Solihull Council's Social Care & Equalities Officers and Birmingham & Solihull Womens Aid responding.

The consultees were asked a number of specific questions relating to the Homelessness Service, the publication of the scheme and the role of officers in providing advice and assistance.

7.3 Responses Received

The responses received from the consultees listed for the Full EIA are summarised in this section.

7.3.1 General Comments

1. Ensure that the homelessness and housing advice service is promoted in places that are accessed by disadvantaged groups – e.g. services that BME communities access/live (*SMBC Equalities Adviser*).
2. There are perceived negatives of social housing for some BME groups including fear of discrimination and harassment including a fear of being accommodated in unsuitable, “White only” areas, away from one’s own community and support networks. Additionally there are cultural preferences for home ownership, especially in the South Asian communities. There is a need to promote social housing with-in the borough, including shared ownership schemes, as a viable and desirable tenure (*SMBC Equalities Adviser*).
3. Need to map the extent of how the homeless service is accessed and main causes of homelessness in Solihull MBC (*SMBC Equalities Adviser*).
4. To investigate existing monitoring and implement an appropriate regime for Solihull (*SMBC Equalities Adviser*).

7.3.2 Homelessness Application Form

1. The form does not provide any kind of equalities monitoring. SCH cannot monitor whether it is treating all applicants fairly, if this monitoring is not taking place. The Goods and Services regulations that come into force in April 2007 will place a duty on local authorities not to discriminate against applicants on the basis of their sexual orientation. In order to ensure that it is compliant there will be a need to monitor that Solihull Council provides training to staff before beginning any monitoring (*Galop*)
2. The Application form refers to a home options interview. It isn’t clear however where the home options assessment really takes place and it seems more like an initial homeless assessment to be followed up (possibly) rather than a home options assessment. This can lead to confusion and potentially challenge from the applicant or their advocate. Home options assessments have to be clearly distinguished from homeless assessments with the former focusing on the exploration of what options are available. This requires a broader discussion with the person about their aspirations and ambitions as well as their current presenting problem. In EIA terms, the weakness is that the current system provides the potential for confusion between the two and the applicant is then unclear about their position. The addition of any language or understanding problems to this raises the potential for people to be disadvantaged as a result (*St Basils*).
3. On page 5 the need for paperwork relating to civil partner status is not mentioned in the required evidence list (*Galop*)

4. On page 6 of Section One of the Application Form there should be an option for homophobic/transphobic harassment (*Galop*).
5. The Council should review alternative language versions for the information/guidance notes. For e.g. are the existing 12 language translations appropriate? Should audio be considered? Is there a demand for other languages (based upon population and demand for other services locally)? At the very beginning of the form there should be a statement that help with translation is available if required. This should be in the main languages. There are difficulties in translating the whole application form however. For e.g. it would need to be translated back into English to be processed. If somebody can't complete the form in English an interpreter is the best solution (*SMBC Social Care; St Basils*)

7.3.3 Homelessness Policy

1. The policy guidance is helpful and clear with regard to the attitudes and behaviours that are required of officers. The skills and training of officers is always crucial to the quality of the process (*St Basils*)
2. The Policy should consider more carefully the situation of disabled people. For example, a disabled person may have additional problems in securing a private tenancy due to accessibility or communication difficulties. In many cases a disabled person may require structured support to guide and support them through the housing advice and homelessness application process. Although use is made of Language Line this would not help someone with aphasia following a stroke or head injury. (*Disabled Persons Network*)
3. Section 4 (Service Standards) should include the commitment that temporary housing is safe for people who are vulnerable or fleeing violence (*Galop*)
4. Section 4 (Service Standards) a same sex interviewer should be available to anyone. There could be a number of reasons why this is necessary, beyond fleeing violence. For example past sexual assault not related to current homelessness, or religious reasons (*Galop*).
6. Section 4 (Service Standards) refers to Home Visits. Caution must be exercised there are universal home visits to 16/17 year olds as care must be taken to protect the interests of the young person (just as it would be in cases of domestic violence). St Basils recommend an integration of Home Visits into a broader home options approach where the work is carried out in a more in-depth way with the young person and any contact with the family is after understanding and agreement as to purpose rather than as a question of trust (*St Basils*)
7. Section 4- To make the policy more inclusive bullet points should be included that state:

‘We will treat you with respect and keep your details confidential’

‘To be interviewed in a private room’

‘Arrange for an interpreter or translation if you experience difficulty communicating in English’ (*SMBC Equalities Adviser*)

8. Section 4 – Amend bullet point 10 and state:

‘ Make a decision on all cases within 33 working days (other than in exceptional or complex cases) and an explanation of the decision in person if someone has difficulty understanding the consequences our the decision’. (*SMBC Equalities Adviser*)

9. Needs to reference support services developed in Solihull to target certain groups e.g Ashram & CARA floating support schemes (*SMBC Equalities Adviser*)

10. Section 6 (Homelessness Enquiry process). In section 6.2.1 types of violence that might take place outside the home are listed. This includes racial harassment or attacks, sexual harassment, and harassment on the grounds of religion and creed, but does not include harassment on the grounds of sexual orientation or gender (*Galop*)

11. In Section 6.2.1 the issue of domestic violence could be strengthened by adding,

- If the violence/ threat of violence is from a partner/ ex-partner the likelihood of recurrence could be high and should be considered as domestic violence
- Even where violence is not identified, it may be aware that mediation is not appropriate where there may exist intimidation or the *threat* of violence (*Birmingham & Solihull Women’s Aid*)

12. In Section 6.2.1 the Policy states that victims of harassment should not be expected to get an injunction as a matter of policy. In fact, it should explicitly state that victims also do not need to report to the police, as highlighted in the court case *Bond v Leicester* (*Galop*)

13. Section 6.3 deals with vulnerability. The section on ‘special reasons’ is vague and should be strengthened (*Birmingham & Solihull Women’s Aid*)

14. Section 6.3 ‘refuge’ should be added to the types of temporary accommodation that are available (*Birmingham & Solihull Women’s Aid*)

15. Section 6.3 deals with Priority Need and several ‘remember’ sections. It is recommended that the reminder in the domestic abuse section of the policy should explicitly state that domestic violence can take place within same-sex relationships, and is just as serious. In addition, many LGBT

people experiencing violence from their partner or family may be at additional risk of social isolation and mental health problems (*Galop*)

16. In that part of Section 6.3 dealing with young people the policy acknowledges that some young people may be forced to leave home because of violence or abuse, and that mediation will not be an appropriate response in these circumstances. Many young LGBT people are forced to leave home when they 'come out' or their sexuality or gender identity is discovered by their parents, carers or other family members. In some cases violence may have been involved, but in all cases this response is emotionally abusive. It is also important that young people in this situation are not forced into mediation to resolve this problem. It is also important to note that many parents lie about the reason they have evicted their child in these situations, citing relationship breakdown, or young people breaking rules, as this is a more socially acceptable excuse for throwing your child out of home. It is recommended that these problems are acknowledged in this section (*Galop*)
17. Section 6.5 deals with Local Connection. LGBT people are a mobile population – for example LGBT young people often move from rural areas to urban areas in order to access LGBT support services. These can be a vital support to avoid the isolation that can leave them vulnerable to risks of mental health problems, self harm, sexual exploitation and drug and alcohol abuse. For this reason, the Policy should have some flexibility in the local connection criteria. The section on special circumstances should make a general statement which indicates that there may be unusual circumstances not covered by the policy, for example where a person is very vulnerable and has a need to be near support services, when they would not be referred back to their original local authority (*Galop*)
18. Section 10 deals with family composition. Traditionally, the terms 'family', and 'couple' have often been defined in a specific way, that excludes same-sex couples from the being seen as couples, or excludes same-sex partners from being seen as a part of a family unit that also includes a biological parent and child. For this reason, Galop recommends that Section 10.8, which refers to spilt households, should explicitly state that this includes gay couples (*Galop*)
19. Section 10.2 deals with matrimonial breakdown and in discussing the information required by the SCH officer mentions the confirmation from spouse whether they are asking applicant to leave. This should be added to by saying that alternatively there could be confirmation from the applicant that she is unable to return to matrimonial home due to threat of violence. (*Birmingham & Solihull Women's Aid*)
20. Section 10.4 covers Matrimonial/Relationship breakdown and says that there needs to be confirmation that the relationship has ended. Due to the nature of domestic violence, this is not appropriate as women cannot provide evidence of a relationship ending, (unless there has been a divorce) also, women can't always access legal aid to obtain solicitors

letters (*Birmingham & Solihull Women's Aid*)

21. Section 10.8 refers to the need to get confirmation of a split household from the 'head of the household'. This term is both unclear in meaning and inappropriate. The section also looks for evidence that a couple have shared benefit claims, however as joint benefit claims are based on a couple physically cohabiting, and this section related to split households, this evidence may not be available (*Galop*).
22. Section 10 does not effectively include civil partnerships which are relevant in every case that matrimonial breakdown is relevant. Where relevant, the policy should explicitly draw attention to the fact that civil partners also have matrimonial home rights (*Galop*).
23. There is a question about the effectiveness of interpretation services. Even where language line is used customers may be confused after homelessness assessments. St Basils experience in other areas is that people may indicate that they understand what is happening but their subsequent actions confirm that they haven't. In Solihull this is not a significant issue as the number of homeless applicants for whom English is not the spoken language is very small. It should be noted that in some areas agencies employ their own interpreters with expertise in housing issues and the technical language used (St Basils).
24. The Council may wish to consider asking the Plain English Campaign to assist with this and award a Crystal Mark to the finished policy. The Policy should be available to take away from SCH and Council offices and to download from Solihull Council's website. A summary document should also be produced in leaflet form and be made widely available (*Galop*).

8. Policy Recommendations and next steps

1. Ensure promotion of homelessness and housing advice services for all communities living in the borough and ensure this includes targeting services accessed by disadvantaged groups. Promote the variety of shared ownership schemes and social housing as a desirable tenure for all communities.
2. Staff training and development – SCH to ensure that the training and development needs of all Housing Options staff with regard to equalities and diversity are reviewed as part of the annual staff appraisal process.
3. Staff procedures - SCH have a comprehensive policy and procedures document relating to the provision of a housing advice and homelessness service in the Borough. This is now being updated to reflect the emphasis on the prevention of homelessness. A key objective for SCH and the Council is to update the document by Autumn 2007. The findings from the EIA will inform the re-writing of the policy & procedures.

4. Review of languages – SCH to review the language issues raised in 7.3.2, point 4 together with the general approach to the optimum balance between alternative languages and access to translators
5. Access to specialist translators and advisors - the number of homeless applicants for whom English is not the spoken language in Solihull is very small. SCH should assess the need to establish agreement(s) with recognised bodies that can provide homelessness advice in different languages. This would ensure that in the rare instances of needing to access these services it can be done speedily and with quality assurance
6. Amend Housing Application form – SCH should consider the merits of amending the Homelessness Application form to include the considerations raised at 7.3.1 points 2 and 3
7. Amend Policy document – the Council and SCH are currently revising the Homelessness Policies and Procedures document. Points 2 – 24 in 7.3.3 will be considered as part of this review and will be ingrained within the new policies & procedures document.

9. Publication of Equality Impact Assessment

This EIA will be reported to the Cabinet Member for Regeneration. After this a summary will be published on the Council's web site and made available to external organisations.

10. Conclusions

The proposals will, if fully implemented, promote equality of opportunity and strengthen the promotion of equalities and diversity in Solihull. The costs of implementing the proposals are considered low and capable of incorporation into the implementation of the new Allocations scheme within the Council's maximum financial support for the project.