

## Colchester Borough Council

### Equality Impact Assessment Form - An Analysis of the Effects on Equality

#### Section 1: Initial Equality Impact Assessment

Name of policy to be assessed:

- Succession Policy

<https://www.colchester.gov.uk/info/cbc-article/?catid=policies&id=KA-01430>

1. What is the main purpose of the policy?

- To ensure that tenancy changes in cases of succession are dealt with in accordance with current legislation, statutory guidance and good practice.
- The policy is compatible with the Gateway to Homechoice Allocations Policy and making best use of the Council's housing stock.

2. What main areas or activities does it cover?

- The policy covers requests from a partner or family member to take over the tenancy upon the death of the tenant, if they are resident at the property and if it was their only or principle home at the time.

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

- None.

4. Who are the main audience, users or customers who will be affected by the policy?

- Residents
- Relatives of tenants

5. What outcomes do you want to achieve from the policy?

- To set out Colchester Borough Council's approach to succession requests.
- To ensure requests are dealt with in a fair and consistent manner.

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- Colchester Borough Homes
- Legal Services

7. Are you aware of any relevant information, data, surveys or consultations<sup>1</sup> which help us to assess the likely or actual impact of the policy upon customers or staff? *If so provide details and include a link to the document or source where available.*

- No.

8. The 'general duty' states that we must have "due regard" to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation
- (b) advance equality of opportunity between people who share a 'protected characteristic'<sup>2</sup> and those who do not<sup>3</sup>
- (c) foster good relations between people who share a protected characteristic and those who do not<sup>4</sup>

Not all policies help us to meet the 'general duty', but most do.

*Where applicable, explain how this policy helps us to meet the 'general duty':*

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<sup>1</sup>Click on [Customer Insight](#) for more information. The Council's surveys and consultations include 'equality monitoring information' to help us identify any particular concerns or views expressed by any particular group or 'protected characteristic'. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the staff intranet, 'Colin'.

<sup>2</sup> The Equality Act's 'protected characteristics' include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

<sup>3</sup> This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

<sup>4</sup> This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

The policy helps us to ‘eliminate unlawful discrimination, harassment and victimisation’ in the following way(s):

- The policy ensures that requests to succeed to a tenancy when the tenant dies are dealt with in a fair and consistent manner, and in a way that does not discriminate against any of the protected characteristics.

The policy helps us to ‘advance equality of opportunity...’ in the following way(s):

- Not applicable.

The policy helps us to ‘foster good relations...’ in the following way(s):

- Not applicable.

9. The Council has an important role in improving residents’ health under the Health and Social Care Act 2012. This relates to both its ‘core functions’ (such as housing, leisure, green spaces and environmental health) and to its ‘enabling roles’ (such as economic development, planning and engaging with communities)<sup>5</sup>. The Council recognises that its Public Sector Equality Duty and its role in improving health are interrelated and mutually supportive. This is especially true across the ‘protected characteristics’ of age and disability.

*“Health inequalities are the unjust and avoidable differences in people’s health across the population. They come from the unequal distribution of income, wealth and power and influence the wider determinants of health such as work, education, social support and housing. Currently, in England people living in the least deprived areas will live around 20 years longer in good health than those in the most deprived areas. Reducing health inequalities means giving everyone the same opportunities to lead a healthy life, no matter where they live or who they are.”*

*Where applicable, explain how this policy helps us to improve health/ reduce health inequalities for residents:*

- Not applicable.

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<sup>5</sup> The King’s Fund: [The district council contribution to public health: a time of challenge and opportunity, 2015](#)

10. This section helps us to identify any disproportionate equality impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the 'protected characteristics'.

Remember to include reference to any relevant consultation, data or information.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)	✓	All groups will benefit as the policy ensures that succession requests are dealt with in a fair and consistent manner.		
	Younger people (17-25)	✓	As above		
Disability	and children (0-16)	✓	As above		
	Physical	✓	As above	✓	For tenancies which commenced after April 2012 individuals who are not the spouse or partner of the diseased may be disadvantaged by the policy change as they may not enjoy the succession rights they did before. This could affect people with a disability more than those without as they may find it more difficult to access suitable housing. See mitigation in section 11 below.
Ethnicity <sup>6</sup>	Sensory	✓	As above	✓	As above
	Learning	✓	As above	✓	As above
	Mental health issues	✓	As above	✓	As above
	Other – specify				
	White	✓	All groups will benefit as the policy ensures that succession requests are dealt with in a fair and consistent manner		

<sup>6</sup> National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

	Black	✓	As above	✓	<p>For tenancies which commenced after April 2012 individuals who are not the spouse or partner of the deceased may be disadvantaged by the policy change as they may not enjoy the succession rights they did before. This could particularly affect Black Minority Ethnic (BME) groups where an individual is from a cultural tradition of extended families continuing to live in a property from one generation to the next. See mitigation in section 11 below.</p> <p>As above</p> <p>As above</p>
	Chinese	✓	As above	✓	
	Mixed Ethnic Origin	✓	As above	✓	
	Gypsies/ Travellers	✓	As above		
	Other – <i>please state</i>				
Language	English not first language	✓	All groups will benefit as the policy ensures that succession requests are dealt with in a fair and consistent manner	✓	Black Minority Ethnic (BME) groups may be more likely to have English as a second language. See comments further above.
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks	✓	As above		
Religion or Belief	People with a religious belief (or none)	✓	As above		
Sex	Men	✓	As above		
	Women	✓	As above		
	Transgender/ Transsexual	✓	As above		

Gender Reassignment <sup>7</sup>			
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian	✓	As above
Marriage and Civil Partnership	People who are married or in a civil partnership	✓	As above

11. If you have identified any negative impacts (above) how can they be minimised or removed?

- Disability - For tenancies which commenced after April 2012 individuals who are not the spouse or partner of the deceased may be disadvantaged by the policy change as they may not enjoy the succession rights they did before. This could affect people with a disability more than those without as they may find it more difficult to access suitable housing.

Mitigation – The policy allows for a degree of discretion whose aim is to ensure that no individuals are unfairly disadvantaged and a person’s disability could be taken into account.

- Black Minority Ethnic (BME) Groups - For tenancies which commenced after April 2012 individuals who are not the spouse or partner of the deceased may be disadvantaged by the policy change as they may not enjoy the succession rights they did before. This could particularly affect Black Minority Ethnic (BME) groups where an individual is from a cultural tradition of extended families continuing to live in a property from one generation to the next.

Mitigation - The policy allows for a degree of discretion whose aim is to ensure that no individuals are unfairly disadvantaged and a person’s cultural tradition could be taken into account.

Note: Changes to the policy for tenancies that began after April 2012 have restricted succession rights to other family members but by doing so will free up properties so that they are available to those most in need. This will therefore make best use of the housing stock.

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<sup>7</sup> The protected characteristic of gender reassignment is defined by the Equality Act 2010 as “a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.” This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to.

12. Could the policy discriminate<sup>8</sup> against any 'protected characteristic', either directly or indirectly<sup>9</sup>? (Yes/No)

- No.

### Summary and findings of Initial Equality Impact Assessment

13. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
A. No negative impacts have been identified ✓	Sign off screening and finish.
B. Negative impacts have been identified but have been minimised or removed ✓	Sign off screening and finish.
C. Negative impacts could not be minimised or removed ✓	Sign off screening and complete a full impact assessment – Section 2.
D. There is insufficient evidence to make a judgement ✓	Sign off screening and complete a full impact assessment – Section 2.

14. Name and job title of person completing this form:

- Suzanne Norton – Housing Client Co-ordinator (August 2020)

15. Date of completion:

- August 2020

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<sup>8</sup> The Council has a general duty to 'eliminate unlawful discrimination, harassment and victimisation'. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their 'protected characteristic' whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their 'protected characteristic'.

<sup>9</sup> If you answer 'yes' to question 11 (above) you will need to complete the following section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.

16. Date for update or review of this screening<sup>10</sup>:

- August 2023

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<sup>10</sup> This is normally three years, but not always: You may know that the policy itself will be reviewed earlier in which case the EqIA should be reviewed at that time. Or, in the case of a five year strategy, you may want to have a review date of five years. In the case of a “one off” decision, such as closing a service, a review date may not be needed - in which case you should indicate ‘N/A’. In any event, the review date should be brought forward if you receive information or feedback which raises new concerns, or if the public policy context changes. You can speak to the [Equality and Safeguarding Co-ordinator](#) for more advice.