

EQUALITY IMPACT ASSESSMENT

Policy title	Tenant Information Pack
Which national outcome(s) does the policy contribute to?	The proposed policy fits with the national outcome 'we have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others'.
What is the purpose of the policy (or changes which are to be made to the policy)?	<p>The introduction of a Tenant Information Pack will contribute towards ensuring that the private rented sector provides good quality and well managed accommodation – where both landlords and tenants understand their respective rights and responsibilities.</p> <p>Evidence shows that, although there is generally good communication between tenants and landlords on tenant rights, there is still work to be done to make sure tenants understand their rights fully.</p> <p>The aim of this proposed policy is to ensure that tenants have an increased awareness of their rights and responsibilities. More specifically, the aim is that tenants are more informed and are able to use the knowledge and information available to them to make appropriate decisions, to challenge bad practice in the sector and to avoid difficult experiences in the first place.</p>
Name of Branch or Division	Housing Options and Services Unit

Directorate or Agency	Directorate of Housing, Regeneration, the Commonwealth Games and Sport
Lead EQIA official	Jonathan Waite

STEP ONE - Describe the assessment process

Please describe the process that you plan to follow (or have followed) in order to complete your EQIA (e.g. holding workshops with equality stakeholders, consulting, conducting research, using existing evidence).

The EQIA has been completed using evidence from the Scottish Government's 2009 Review of the Private Rented Sector. This review provided a detailed primary evidence base on the sector, including information related to the characteristics of tenants and landlords.

Responses received during the consultation process on the Tenant Information Pack, which included tenant focus groups, have also informed this assessment process. The consultation document was issued to a wide range of equalities groups and included an example Tenant Information Pack. Consultation questions relevant to an EQIA included:

- Is the example Tenant Information Pack 'fit for purpose'; is it clear, understandable and easy to interpret?
- What are your views on the proposed process for accessing the pack?

Finally, a meeting was also held with the Scottish Accessible Housing Network (a network of user-led housing and disability organisations). This provided an opportunity to discuss the above mentioned consultation questions in more depth.

STEP TWO – Gathering and Analysing the Evidence (with help from the Analytical Services Division)

AGE

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people in different age groups? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

The Scottish Government's 2009 Review of the Private Rented Sector (PRS) indicated that there are a high proportion of young people in the PRS. For example, almost 80% of licensed HMOs (houses in multiple occupation) are occupied by students, who tend to be young (84% under 25 years old).

For middle age groups (25-34 years and 35-49 years) the 2009 Review noted that this age group find it most difficult to find a place to live, with just 64% and 52% respectively saying it had been very or fairly easy to find somewhere to rent, and 21% and 27% saying it had been fairly or very difficult to find somewhere to rent. Conversely, young people and older people are least likely to have difficulties in finding a place to rent – 73% of those aged under 25 and 73% of those aged over 50 had found it very or fairly easy to find somewhere to rent.

Furthermore, older tenants are much less likely to want to move – just 13% of those aged 50 or over expect to move within the next year, and 69% would not expect to move at all. Younger tenants are much more likely to expect to move within the next year (60% of 16-22 year olds and 63% of 22-24 year olds expect to move in the next year).

2) Effects / Impacts

Describe how your policy may affect people of different ages, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs/promote equality/good relations¹
- b) negative effects² including any direct or indirect discrimination

All age groups in the PRS will benefit from the introduction of a Tenant Information Pack (TIP) as it will ensure that tenants are more informed of

their rights and responsibilities and are able to use this knowledge and information to make appropriate decisions, to challenge bad practice and to avoid difficult experiences in the first place.

In particular, the TIP will benefit younger households, who are over-represented in the PRS and are more likely to move within the sector. Additionally, the above evidence suggests that middle age groups find it more difficult to find a place to live within the sector. The TIP should support this group to make more informed choices.

In terms of negative effects, younger households in particular may have little understanding of some of the information included in the pack (e.g. tenancy types and information about the property). To reduce this potential negative impact the TIP has been edited by the Plain Language Commission.

DISABILITY³

1) **Evidence**

In relation to your policy, what does the evidence tell you about the needs and experiences of disabled people? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

The 2009 Review of the Private Rented Sector (PRS) highlighted that about one in ten PRS tenants have a disability or limiting long-term illness.

Tenants with a disability or limiting long-term illness are, relative to other groups in the PRS, more likely to be dissatisfied with their home (21%). In addition, just 6% of those with a disability work full-time, compared with 39% of all PRS households.

2) **Effects / Impacts**

Describe how your policy may affect disabled people, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs/promote equality/good relations
- b) negative effects including any direct or indirect discrimination

The Tenant Information Pack (TIP) will highlight the rights and responsibilities of tenants and landlords. This includes a duty on landlords to allow disabled adaptations, within reason. The provision of this information at the start of a tenancy agreement will give disabled tenants more confidence to approach their landlords with adaptation requests.

In terms of policy operation, the Scottish Government can, on request, provide the TIP in alternative formats (e.g. Braille, audio and large print format).

1) **Evidence**

In relation to your policy, what does the evidence tell you about the different needs and experiences of women and men? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

The 2009 Review of the Private Rented Sector found little difference between the experiences of male and female tenants within the sector.

2) **Effects / Impacts:**

Describe how your policy may affect women and men, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs/promote equality/good relations
- b) negative effects including any direct or indirect discrimination

No differential effect has been identified.

GENDER, INCLUDING PREGNANCY AND MATERNITY

GENDER IDENTITY⁴/TRANSGENDER PEOPLE⁵

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of different people in respect of gender identity/transgender people? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

The housing needs of LGBT people are not well documented, although evidence suggests there are a range of issues in this field including: being evicted from the family home or rented accommodation resulting in homelessness. This is a particular issue for young people.

Although there is limited information on housing tenure for LGBT groups, a 2005 survey on housing for older LGBT people listed respondents as 8% private rented tenants.

2) Effects / Impacts

Describe how your policy may affect different people in relation to gender identity, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs/promote equality/good relations
- b) negative effects including any direct or indirect discrimination

No differential effect has been identified. Like other tenants, LGBT people will benefit from the introduction of a Tenant Information Pack as it will ensure that tenants are more informed of their rights and responsibilities and are able to use the knowledge and information available to them to make appropriate decisions, to challenge bad practice and to avoid difficult experiences in the first place.

SEXUAL ORIENTATION

1) Evidence

In relation to your policy, what does the evidence tell you about the different needs and experiences of people in respect of sexual orientation (lesbian, gay and bisexual)? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

The housing needs of LGBT people are not well documented, although evidence suggests there are a range of issues in this field including: being evicted from the family home or rented accommodation resulting in homelessness. This is a particular issue for young people.

Although there is limited information on housing tenure for LGBT groups, a 2005 survey on housing for older LGBT people listed respondents as 8% private rented tenants.

2) Effects & Impacts

Describe how your policy may affect people in relation to their sexual orientation, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs/promote equality/good relations
- b) negative effects including any direct or indirect discrimination

No differential effect has been identified. Like other tenants, LGBT people will benefit from the introduction of a Tenant Information Pack as it will ensure that tenants are more informed of their rights and responsibilities and are able to use the knowledge and information available to them to make appropriate decisions, to challenge bad practice and to avoid difficult experiences in the first place.

RACE⁶

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people from different racial and ethnic groups? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

The 2009 Review of the Private Rented Sector (PRS) highlighted the following issues in relation to race:

- One in three non-white households live in the PRS, compared to one in fourteen white households. A significant proportion of the non-white tenants are students (51%).
- The age distribution of migrant tenants in the PRS is somewhat different from that of those born in the UK: those born outside the UK are typically in their 20s and early 30s (two thirds are aged 22-34, compared with a third of tenants born in the UK), and relatively few are older than this (18% are aged 35 or over, compared with 49% of UK-born tenants).
- One in three non-white tenants experience problems accessing appropriate PRS, compared to one in five of all tenants.
- Migrant workers are highly likely to live in the PRS when they first arrive in Scotland, since they have difficulty in accessing social housing or owner occupation.
- Non-white tenants and tenants born outside the UK are more likely than other tenants to want to move within the next year (55% and 52% respectively).
- Households born outside the UK were more likely to have to pay an administration fee to obtain privately rented housing.
- About 5% of PRS properties are owned by landlords from non-white ethnic groups.

2) Effects & Impacts

Describe how your policy may affect people of different races and ethnicities, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs/promote equality/good relations

b) negative effects including any direct or indirect discrimination

The above evidence indicates that non-white tenants and tenants born outside the UK are more likely than other tenants to face a range of issues within the private rented sector. These groups will therefore benefit from the introduction of a Tenant Information Pack as it will ensure that they are more informed of their rights and responsibilities and are able to use the knowledge and information available to them to make appropriate decisions, to challenge bad practice and to avoid difficult experiences in the first place.

In order to include those tenants who may not read English fluently, the Scottish Government can provide translated versions of the Tenant Information Pack.

RELIGION AND BELIEF

1) **Evidence**

In relation to your policy, what does the evidence tell you about the different needs and experiences of people in respect of religion and belief? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

One third of households identifying as Hindu, one in five Buddhist households and a similar proportion of Muslim households lived in the private rented sector in 2001.

2) **Effects & Impacts**

Describe how your policy may affect people in relation to their religion and belief, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs/promote equality/good relations
- b) negative effects including any direct or indirect discrimination

No differential effect has been identified.

OTHER IMPACTS

Please describe any other impacts that may have been considered as part of this policy development (e.g. impacts on human rights; socioeconomic impact).

Further consultation with the Scottish Accessible Housing Network (SAHN) highlighted two potential issues with the Tenant Information Pack (TIP):

- the accessibility of the pack; and
- the content of the landlord responsibilities section of the TIP

Accessibility

SAHN highlighted that disabled tenants are more likely to encounter problems in the private rented sector and therefore would benefit disproportionately from the introduction of the TIP. However, they cautioned that if the TIP is required in an alternative format tenants may have to wait to receive a pack and have to sign contractual documents without the benefit of the information included in the TIP. Furthermore, the network recommended that the online version of the TIP be assessed in terms of its accessibility. The Scottish Accessible Information Forum was highlighted as a group with whom to discuss accessibility issues.

Landlord responsibilities

The SAHN highlighted that it is essential that tenants are aware of their rights in relation to adaptations; otherwise they will be unable to enforce them effectively. The draft TIP notes that landlords have a responsibility to 'allow disabled adaptations, within reason'. SAHN questioned the wording of this statement as in some instances landlords have a duty to consider adaptation requests. Under the Equality Act 2010, landlords have a duty to make reasonable adjustments to their policies, practices and procedures where a failure to do so would put a disabled person at a substantial disadvantage.

Re adaptation, the network also suggested that tenants and landlords may benefit from information on the Scheme of Assistance. Under the Housing (Scotland) Act 2006, local authorities have a legal duty to provide assistance in the form of grant, practical help or advice and guidance to tenants to carry out adaptations arising from a disability. These duties will form part of the overall assistance provided to homeowners under each council's Scheme of Assistance. These schemes lay out what is available from the local authority for owners and

tenants, who want to repair, improve or adapt their homes.

The network felt that the inclusion of the above information in the TIP would support disabled tenants, who are often unsure what adaptation requests they can submit to their landlord. However, they also cautioned that an over emphasis on 'duties' may deter landlords from letting properties to disabled tenants in the first place. Furthermore, the network highlighted if the above information is included in the TIP it should be made clear that if a landlord does agree to an adaptation, they are allowed to impose reasonable conditions. For example, they can state that the tenant is responsible for the maintenance of the adaptation or ask the tenant to return the property to its original condition, when they move out.

STEP THREE – Describe how equality analysis has informed and helped to shape your policy

a) Describe any steps which have been/will be taken as a result of information uncovered through the EQIA process.

The impact assessment has highlighted the need to ensure that the requirements of equalities groups are considered in the development of a final Tenant Information Pack (TIP).

We will consider the issues raised in Step 2 and we will engage with equalities organisations as appropriate.

The TIP will be issued as a hardcopy or electronic document and in order to include those tenants who may not read English fluently the Scottish Government can also provide translated versions.

More widely, the proposed policy should be viewed as a starting point for improving tenant and landlord understanding of their rights and responsibilities. More specific information for tenants and landlords will follow in due course. For example, the current consultative Strategy for the Scottish private rented sector focuses on improving tenant rights and encouraging landlord responsibility, improving consumer awareness and empowering vulnerable tenants.

b) Describe any equality issues that you identified in Step 2, which you haven't addressed or mitigated, and explain the reasons why.

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c) Explain whether your EQIA analysis had an impact on the size of your resource and/or the way you use resources.

No impact.

d) Explain whether there are implications on costs, and the focus of spend, arising from your EQIA analysis. Do you have the budget to cover your costs, and has the EQIA changed how you use your budget?

There will be increased cost implications if the Tenant Information Pack

is to be provided in alternative formats and translations. Also, there may be additional cost implications if communication events are to take place with particular equalities groups.

These additional costs may be covered by the Scottish Government budget allocated to the Tenant Information Pack.

STEP FOUR – Risks and Monitoring

Describe any **risks** for your policy in terms of delivering on the equality issues identified in the EQIA, and describe how you will mitigate the identified risks.

The key risks in terms of delivering on the issues which have been identified are:

- building in sufficient time to engage with all relevant equalities groups and implementing any actions arising from this engagement in time for the policy launch;
- ensuring that alternative formats and translations are provided to tenants in a timely manner; and
- ensuring that there is a sufficient Scottish Government budget to provide the Tenant Information Pack in alternative formats and translations.

The above risks will be mitigated through early engagement with relevant stakeholders and Scottish Government colleagues.

Explain how you will **monitor** and evaluate this policy, to measure progress on the equality issues identified in the EQIA. Include information on when the monitoring & evaluation will take place, and who is responsible for undertaking it.

The Tenant Information Pack (TIP) consultation document commits to ensuring that the information included in the TIP is accurate and up to date. The review process to measure progress on the equality issues identified will take place on an ad hoc basis and will take into consideration feedback by tenants, landlords and other stakeholders more generally.

There is no commitment to formally evaluate the TIP.

STEP FIVE - Authorisation and Publication

1) Authorisation by a Deputy Director

The EQIA should now be authorised by a Deputy Director or equivalent. Please note that the lead EQIA official is responsible for saving the authorisation form on Objective. The authorisation form will not be published on the Scottish Government's website.

Policy title	Tenant Information Pack
Name of Branch or Division	Housing Options and Services Unit
Directorate or Agency	Directorate of Housing, Regeneration, the Commonwealth Games and Sport

Please confirm that:

- The EQIA has informed the development of the policy
Yes No
- Opportunities to promote equality in respect of age, gender, disability, race, religion/belief, sexual orientation, and gender identity have been considered, i.e:

- eliminating unlawful discrimination, harassment, victimisation
- removing or minimising any barriers/disadvantages
- taking steps which assist with promoting equality and meeting people's different needs
- encouraging participation (e.g. in public life)
- fostering good relations, tackling prejudice, promoting understanding.

Yes No

I am satisfied with the equality impact assessment that has been carried for the above policy, and give my authorisation for the EQIA to be published on the Scottish Government's website.

Name	Ann Nelson
Position	Head of Housing Services and Regeneration Division
Authorisation Date	14/1/13

2) Publication

Once the authorisation is gained, the EQIA should be emailed to the Equality and Communities Division at

gender.mainstreaming.equality@scotland.gsi.gov.uk

The Equality and Communities Division will ensure that your EQIA is published on the Scottish Government's website.