

# National Analytical Study on Housing

RAXEN Focal Point for the United Kingdom

Commission for Racial Equality  
(CRE)

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## **Executive summary**

### **Glossary**

Definitions are provided for central terms used in this report, in particular: ethnic minority, immigrant, refugee, asylum seeker, direct and indirect discrimination. Definitions are from appropriate legislation and academic work.

### **Introduction**

This is the first housing report for the Raxen programme. It draws on a number of sources, but a key resource is the review of research produced by the Office of the Deputy Prime Minister (Housing Black and Ethnic minority Communities. Review of the evidence base). The structure of the report follows the Raxen project specification for the housing report. The focus of this report is on ethnic minorities, both first and second (and subsequent) generation, as opposed to migrants in general as there is no housing related legislation that refers exclusively to migrants.

### **Legislation and policies concerning the housing sector of relevance for migrants and minorities**

This chapter covers the implications of the Race Relations Act and the Human Rights Act with regard to housing. It further describes the situation for Gypsies, Travellers and asylum seekers, as well as the relevance of community cohesion and neighbourhood regeneration policies to the housing sector and ethnic minorities. The section on monitoring systems explains the Best Value concept, the Comprehensive Performance Assessment procedure, the role of the Housing Inspectorate and of the Independent Ombudsman, and explains the enforcement powers.

### **Description and analysis of existing data and sources in the housing sector**

On the basis of the available statistical data, an overview is given on the settlement patterns of ethnic minorities, their housing standards, amenity levels and household income levels. Some information on complaints is discussed but there is very little data available. The findings of two larger research reports are highlighted as well as the outcome of an investigation on race and housing provided for by housing associations.

### **Analysis of direct and indirect discrimination**

Housing impacts on people's well being, their sense of worth, the local community and employment. This chapter looks at the wider cross-cutting issues: regeneration and neighbourhood renewal, housing needs, racist harassment and household choice, planning and consultation, partnerships, segregation, neighbourhood strategies, housing institutions and housing consumers, participation and involvement. The chapter also looks at the particular circumstance of Travellers and Gypsies.

### **Strategies, initiatives and good practices for reducing racial/ethnic/religious/cultural discrimination in housing**

This chapter describes the concept of housing strategies and race equality schemes in the UK and explains the specific schemes for Wales, Northern Ireland and Scotland. This is followed by a good practice examples from the governmental and non-governmental sector to support diversity and equality in housing.

## Table of Contents

1. Glossary .....	5
2. Introduction.....	8
3. Legislation and policies concerning the housing sector of relevance for migrants and minorities.....	11
3.1 Overview of legislation and policies for integration and diversity.....	11
3.2 Impact of the Human Rights Act .....	13
3.3 Legal basis for housing for specific groups .....	14
3.4 Anti-discrimination legislation and policy in the housing sector .....	15
3.5 Monitoring systems.....	17
4. Description and analysis of existing data and sources in the housing sector.....	21
4.1 Demography and settlement patterns.....	21
4.2 Housing standards.....	23
4.3 Amenity levels .....	23
4.4 Household income levels .....	24
4.5 Descriptive and quantitative data on complaints .....	24
4.6 Major research findings .....	25
5. Analysis of direct and indirect discrimination .....	28
5.1 Key issues .....	28
5.2 Gypsies and Travellers.....	31
6. Strategies, initiatives and good practices for reducing racial/ethnic/religious/cultural discrimination in housing .....	33
6.1 Policies and legislation with respect to equal treatment and access to housing and to integration of ethnic minorities.....	33
6.2 Strategies, initiatives and examples of good practices to support diversity in housing.....	36
7. Conclusions.....	40
Annex A.....	41
Immigration, integration and diversity policies .....	41
Current immigrant and minority populations .....	41
Political background and commitment to diversity .....	42
Immigration policies .....	43
Expansion of work permits .....	44
Annex B .....	45
Tables and Graphs.....	45
Table A: Size and composition of the UK ethnic minority population .....	45
Table B: Regional distribution by ethnic group.....	45
Table C: Occupation density by ethnic group.....	45
Table D: Housing conditions by ethnic group .....	45
Graph E: Ethnic minority employment rates by region in Britain, 2000.....	45
Table F: Gross weekly income standardised for region of head of household and partner by ethnic group .....	45
Table G: Data on recorded complaints by ethnic origin .....	45
Table H: Type of complaint by ethnic origin.....	45
Table I: Colour of complainant.....	45
Bibliography .....	51

# 1. Glossary

The following definitions reflect normal usage in legislation, government documents and statistics. A couple of terms are explained which are used by organisations quoted in this report but are open to a number of serious objections.

**Ethnic minorities** in common UK usage refers to distinct ethnic communities within the UK who are not English, Scottish, Irish or Welsh (although the Catholic Irish community is sometimes included within this term) and in particular Black and Asian communities. It is not to be understood narrowly in terms of ‘ethnicity’, but as an umbrella term covering all the group-defining characteristics the Race Relations Act accords to a ‘racial group’ that is not the ‘majority’ community, with the addition, in common parlance, of the religious and cultural bonds that define communities such as Muslims and Rastafarians who may have no formal status under the Race Relations Act.

**Minority** has connotations of ‘less important’ or ‘marginal’. In many settings it is not only insulting but also mathematically misleading or inaccurate. It is used here to indicate distinct ethnic groups, but its use is not intended to imply that there is a homogeneous “British” or “English” ethnic majority, which would be inaccurate.

**Black and ethnic minority (BME) groups:** This term is used by some organisations but is open to a number of serious objections. It removes ‘black’ from the umbrella term and privileges it by highlighting it separately. If ‘black’ is to be mentioned separately, why not also ‘Asian’ – a bigger group? It also appears contrary to the increasing complexity of identity groups in Britain, where growing numbers of people are of mixed origin, and inclined to reject the standard census labels.

**Minority ethnic:** This term is used by some organisations and in some publications. Grammatically, the placing of ‘minority’ before ‘ethnic’ is nonsensical. ‘Ethnic’ is an adjective of the same type as ‘national’ or ‘religious’. ‘Minority ethnic’ reinforces the widespread misuse of ‘ethnic’ to mean ‘ethnic minority’ – conveying the sense that ethnicity is something that only members of minorities possess.

**Immigrant** is used here to refer to individuals who have left their country of origin to live and work in the UK.

**Asylum seekers** refers to those who apply to the UK for refugee status under the Geneva Convention and the residence rights that arise accordingly.

**Refugees** are those that have been recognised as in possession of refugee status under the Geneva Convention.

**Gypsies<sup>1</sup> and Travellers:** The term ‘Gypsies and Travellers’ covers a diverse range of groups with different backgrounds, including Irish Travellers, Scottish Gypsies/Travellers, English Gypsies/Travellers, Romany Gypsies and Welsh Gypsies/Travellers. The term Travellers may also be used to include New (Age) Travellers, Occupational Travellers (fairground, circus and waterway communities)

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<sup>1</sup> In continental Europe, Romany Gypsies are called Roma.

but there are important differences in their legal status and how they may see themselves in regard to other Traveller groups. The original 1965 Race Relations Act was worded to include groups such as Gypsies and Travellers and the Commission for Racial Equality and its predecessor bodies have sought to enforce the law on that basis where the groups concerned are those with a traditional nomadic lifestyle.

**Britain** is used in this report to refer to Great Britain, i.e. to England, Scotland and Wales, excluding Northern Ireland. Scotland and England/Wales have separate legal systems, and additional constitutional differences of major importance have been introduced by the Scotland Act and the Government of Wales Act.

**UK** is used here to refer to the entire United Kingdom, including Northern Ireland.

**Race discrimination** includes discrimination on the grounds of ethnic origin, national origin, and racial group. The term ‘race’ is of essential importance, since it alludes to racism. The words ‘race’ and ‘racial’ are not used in the report in ways that might imply the view that the human species consists of separate races.

**Race relations legislation** refers to the UK legislation and the body of case law derived from it (the phrase derives from the title of the major piece of UK legislation, the Race Relations Act 1976).

#### **Discrimination in the housing sector**

Discrimination is used to refer to the unequal treatment of persons on the basis of the prohibited grounds of age, disability, religion, sexual orientation, gender and race, as recognised in the EU Equality Directives.

The amended Race Relations Act 1976 (1976 Act) and the EU Race Directive provide protection against two aspects of discrimination - direct discrimination and indirect discrimination.

The 1976 Act defines direct and indirect discrimination as follows:

**Direct discrimination:** Occurs when a person (including a company or a public authority), on racial grounds, treats someone less favourably than others in similar circumstances. Racial grounds are grounds of colour, race, nationality (including citizenship), ethnic or national origin.<sup>2</sup>

**Indirect discrimination:** Occurs when a condition or requirement which is applied equally to everyone can be met by a considerably smaller proportion of people from a particular racial group, and it is to their disadvantage because they cannot comply with it. The condition or requirement will be unlawful unless it can be justified on non-racial grounds. Under the 1976 Act, a racial group is a group of people defined in terms of colour, race, nationality (including citizenship), ethnic or national origin.<sup>3</sup>

The European Union Race Directive defines direct and indirect discrimination as follows:

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<sup>2</sup> Race Relations Act 1976, Section 1(1)(a)

<sup>3</sup> Ibid., Section 1(1)(b)

**Direct discrimination:** A situation in which one person is treated less favourably than another is, has been, or would be treated in a comparable situation on grounds of racial or ethnic origin.<sup>4</sup>

**Indirect discrimination:** A situation where an apparently (race) neutral provision, criterion, or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion, or practice is objectively justified by a legitimate aim and means of achieving that aim are appropriate and necessary.<sup>5</sup>

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<sup>4</sup> European Union Race Directive, Article 2(2)(a)

<sup>5</sup> Ibid., Article 2(2)(b)

## **2. Introduction**

### **Purpose of the study**

The aim of this study is to give those not familiar with the UK system a description that sets out the context for the housing sector, data on the relevant legislation, an assessment of recent research, examples of best practice and suggestions for policy and research. The report focuses on the provision and access to social housing, the organisation and regulation of the social housing sector, and on broader policies relating to neighbourhood regeneration and community cohesion which are primarily aimed at deprived or disadvantaged areas where ethnic minority communities are over-proportionately represented.

### **Theoretical considerations on discrimination**

Reference to the substantive concept of equality and diversity developed by the Commission on a Multi-Ethnic Britain (the ‘Parekh Report’).<sup>6</sup> This theoretical concept of equality recognises initially that in the words of the recently deceased former leading UK politician and President of the EC Commission, Roy Jenkins: “integration is not a flattening process of uniformity, but cultural diversity, coupled with equal opportunity, in an atmosphere of mutual tolerance”. This approach emphasises equal opportunity, the achievement of real and substantive outcomes and socio-economic justice for all individuals within society, irrespective of their ethnic origin. This concept of equality takes into account the specific contexts in which individuals are situated. A substantive equality approach requires that the role of individuals within a group as well as their individual position must be recognised, while at the same time recognising that group identity changes and shifts.<sup>7</sup> This approach regards the role of legislation in combating racism, xenophobia and anti-Semitism as contributing towards the transformation of attitudes and practices that impact unequally and unfairly on disadvantaged groups and individuals, rather than just as a tool for establishing formal equality of treatment that may not yield substantive results.

### **Acknowledgements**

This report draws on a more detailed and comprehensive report prepared by Malcolm Harrison and Deborah Phillips from the University Leeds for the Office of the Deputy Prime Minister (ODPM), the UK government department responsible for housing (ODPM 2003). Other key sources are the Raxen UK legislation reports and a report by Kusminder Chahal prepared for the Joseph Rowntree Foundation (2000).

### **Structure of the report**

The report is structured along the lines set out in the project specification. Chapter three provides an overview of general anti-discrimination as well as more housing specific legislation and policies and an explanation of the monitoring system in the UK. Chapter four sets out a range of data available on ethnic minorities and housing; chapter five discusses the issues affecting ethnic minority communities; and chapter six provides an overview of governmental and non-governmental policies and strategies with respect to equal treatment, and presents a range of good practice examples.

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<sup>6</sup> PUBUK0053

<sup>7</sup> PUBUK0439

## **Background to the housing sector**

The Housing Corporation<sup>8</sup> is responsible for investing public money in housing associations and for protecting that investment and ensuring it provides decent homes and services for residents. It invests in housing associations to provide homes that meet local needs. It does not operate in Wales, Scotland or Northern Ireland. In Wales, these functions are covered by the Assembly Government's Housing Directorate<sup>9</sup>. The Housing Directorate deals with local authority and Registered Social Landlords, and regulatory matters such as Best Value (see below). The Northern Ireland Housing Executive<sup>10</sup> is the regional housing authority responsible for managing the housing stock in Northern Ireland. Communities Scotland<sup>11</sup> is the Scottish Executive agency responsible for regulating and inspecting all registered social landlords and the housing and homelessness functions of local authorities. This single regulatory framework is unique in the UK.

Housing associations play a significant role as major providers of low cost rented housing and the main developers of new social housing. There are over 2,000 housing associations in England, currently managing around 1.45 million homes and housing at least twice that many people. Registered Social Landlord (RSL) is the technical name for social landlords that are registered with the Housing Corporation - most are housing associations, but there are also trusts, co-operatives and companies. Housing associations are run as businesses but they do not trade for profit. Any surplus is ploughed back into the organisation to maintain existing homes and to help finance new ones.

A feature of housing associations is that, although the larger ones usually have paid staff, a committee or board of management made up of volunteers has overall responsibility for the work of the organisation. A board might include tenants, representatives from local authorities and community groups, business people and politicians. There are more than 30,000 voluntary board members running housing associations throughout England. Most associations are small and own fewer than 250 homes. However, the largest 7% of associations - those with 2,500 plus homes - own 78% of all the sector's homes. Some were founded centuries ago but many trace their origins to the 1960s and over the last decade, many new associations have been formed to manage and develop homes transferred to them by local authorities.

The Federation of Black Housing Organisations<sup>12</sup> is the umbrella body for the black-led housing sector, representing over 60 independent ethnic minority RSLs, hostels, refuges, housing co-ops, housing advice centres and training organisations. It represents the views of its membership to housing policy makers, government

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<sup>8</sup> NFPUK0204

<sup>9</sup> NFPUK0205

<sup>10</sup> NFPUK0224

<sup>11</sup> NFPUK0223

<sup>12</sup> NFPUK0211

departments and pertinent authorities and seeks to promote, support and develop a vibrant and dynamic ethnic minority social housing sector.

### **3. Legislation and policies concerning the housing sector of relevance for migrants and minorities**

#### **3.1 Overview of legislation and policies for integration and diversity**

##### **Concept of integration**

Since the late 1960s, successive UK governments have adopted an approach that favoured the integration of immigrants and ethnic minorities but rejected assimilation within the dominant British culture. Roy Jenkins MP, then the UK Home Secretary, defined integration as "therefore, not as a flattening process of assimilation but as equal opportunity, coupled with cultural diversity, in an atmosphere of mutual tolerance."<sup>13</sup> In pursuing this integration policy, the UK government adopted a dual legislative approach to race relations, combating racism by legislative and institutional routes while introducing strong immigration controls to check new immigration, justified as necessary to enhance integration.<sup>14</sup>

##### **Race relations legislation**

Racism has been combated by successive Race Relations Acts in 1965, 1968, and 1976, with the 1976 Act making it unlawful to discriminate directly or indirectly on the grounds of "colour, race, nationality or ethnic or national origins" in housing allocation, the provision of goods, facilities and services and certain other specified activities. It also established the Commission for Racial Equality (CRE) to promote and enforce the legislation. The Race Relations (Amendment) Act 2000 extended the prohibition on race discrimination to all functions of public bodies.

On 4 August 1997 the Race Relations (Northern Ireland) Order 1997 was introduced in Northern Ireland and followed closely the provisions of the Race Relations Act 1976 in Great Britain. Fair Employment legislation, which prohibited discrimination in employment on the grounds of religious belief or political opinion, was already in place in Northern Ireland. The Fair Employment and Treatment (Northern Ireland) Order 1998 extended the legislation to cover goods, facilities and services. The Equality Commission for Northern Ireland<sup>15</sup> enforces all anti-discrimination legislation in Northern Ireland. The Equality Commission for Northern Ireland<sup>16</sup> enforces all anti-discrimination legislation in Northern Ireland.

The Race Relations (Amendment) Act 2000 imposed a duty to promote race equality upon the vast majority of public authorities (listed in a schedule to the Act). This duty in effect requires public authorities to mainstream effectively the promotion of equality of opportunity and the elimination of racial discrimination in both the development of their policies and in the performance of their functions. This duty has

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<sup>13</sup> PUBUK0447, p. 267

<sup>14</sup> PUBUK0334

<sup>15</sup> NFPUK0109

<sup>16</sup> NFPUK0109

reinforced and extended many equality mainstreaming initiatives that were in place in the majority of UK public authorities. In Northern Ireland, the Northern Ireland Act 1998 has introduced a similar duty but extending across all the equality strands of gender, race, religion, sexual orientation and age, and subject to enforcement (which includes the approval of the equality schemes required from public authorities) by the Northern Ireland Equality Commission.

The UK already largely complies with the requirements of the EU Race Directive, due to the provisions of the Race Relations Act 1976.<sup>17</sup> However, the standards of the EU Directive are in certain respects higher than the UK legislation, as well as providing for a different definition of indirect discrimination. The UK government has therefore now introduced the Race Regulations 2003 to further strengthen the 1976 Act and to ensure full and complete incorporation of the Directive.<sup>18</sup> A separate regulation, the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003, has been introduced for Northern Ireland. While the changes introduced by the regulations are welcome, the incorporation of the Directive by secondary legislation has contributed to the incoherent state of UK anti-discrimination law, as outlined and criticised in the RAXEN 3 report on legislation.

The Regulations will also remove certain minor exemptions from the scope of the 1976 Act. In the area of housing, it will now be unlawful to discriminate on grounds of race, ethnic or national origin in lets of small dwellings.

#### *Indirect Discrimination*

The minor adjustments to the UK's race relations legislation that will be introduced to ensure full compliance with the Race Directive will certainly strengthen the law. In particular, the new definition of indirect discrimination contained in the Directive and incorporated into UK law by the regulations will remove the existing requirement established in UK case-law that indirect discrimination can only be found to be unlawful when a person applied a 'condition or requirement' which was apparently neutral but which did, or could, in fact put people of a particular racial or ethnic origin at a disadvantage, and which could not be justified on other grounds. This meant that the "condition or requirement" had to constitute a full barrier or pre-condition before a finding of indirect discrimination could be made by a court or employment tribunal. The new definition replaces "condition or requirement" with the phrase "provision, criterion or practice". The new definition will therefore cover formal and informal requirements, conditions, provisions and practices. It will thus widen the circumstances where indirect discrimination could occur and cover practices that might constitute a substantial barrier to full equality of treatment without being a full pre-condition.

Also, the 1976 Act had required the complainant or claimant to show that a considerably smaller proportion of a particular racial group could comply with a requirement or condition before a finding of indirect discrimination could be made. Demonstrating that usually involved a reliance on the use of statistical evidence, although it was not strictly necessary. The new definition of indirect discrimination makes it easier to use non-statistical evidence, e.g. expert opinion, to establish a case.

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<sup>17</sup> For detailed information on the EU Race Directive see the UK Raxen 4 Legislation Report.

<sup>18</sup> PUBUK0386

The Directive enables EU member states to allow indirect discrimination to be established without the need to produce statistical evidence.

#### *Impact of anti-discrimination legislation*

Under the Race Relations Act, the majority of race discrimination cases arise in the employment context and are heard by employment tribunals. There exists less definite recent data about the implementation of the race relations legislation in areas outside of employment such as goods and services, housing and education. Such cases are dealt with by county courts (full judicial bodies). The emphasis on employment cases has frequently led to a lack of statistical analysis of the work of the lower courts in applying the race relations legislation.

### **3.2 Impact of the Human Rights Act**

The Human Rights Act (HRA) 1998 came into effect in the UK in October 2000. The Act is of major constitutional importance as it incorporates the European Charter of Human Rights (ECHR) into domestic law. All legislation must under the HRA be interpreted to comply with the ECHR as far as possible, and all public authorities under s. 6 of the Act are obliged to adhere to the ECHR standards with the exception of Parliament. The HRA has made a considerable impact on UK public law, despite the impact of the HRA in the context of racism, xenophobia and anti-Semitism being limited by the restricted impact of Article 14 of the ECHR, that only guarantees the right to equal treatment in the enjoyment of rights protected in the ECHR. The UK government has not yet signed or ratified Protocol 12 to the ECHR, which recognises a freestanding right to equal treatment.

Some of the most relevant sections of the HRA for housing may be Article 6, Right to a Fair Trial; Article 8, Right to Respect for Private and Family Life and Article 1 of the 1st Protocol which provides for the 'peaceful enjoyment of possessions'. These rights are not absolute rights. This means that the public authority could argue that, for example, an exception applies, or that it was acting in the interests of the general public, or that its action was legitimate and proportionate in relation to the aim of the action. Some (although probably relatively few) activities of RSLs may be outside the scope of the HRA where these are regarded as purely commercial activities.

The impact of the HRA can be seen in the recent successful legal challenge launched against the application of sections 55 and 57 of the Nationality, Immigration and Asylum Act 2002 (NIA). Section 55 provides that asylum applicants without dependant children will only be eligible to apply for welfare support if they apply for asylum 'as soon as reasonably practicable' after arrival in the UK. The NIA Act does provide for an exception to this denial of support where Article 3 of the ECHR would be violated, a provision inserted to avoid a clash with the provisions of the ECHR. These provisions in the NIA Act, which came into force on 8<sup>th</sup> January 2003, have attracted strong criticism from NGOs and trade unions. Withdrawal of support means that asylum-seekers will be deprived of state support for housing and living costs, and if unable to rely on their ethnic community support structures face destitution.<sup>19</sup>

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<sup>19</sup> See the UK Raxen 3 legislation report.

A challenge was launched in the High Court by the Refugee Council, the Joint Council for the Welfare of Immigrants and other NGOs against the first deprivation of benefits decisions. The case was argued on the grounds that deprivation of benefits constitutes “inhumane and degrading treatment” as defined in Article 3 of the ECHR and the legislation should therefore be interpreted under the HRA in accordance with the ECHR to require the provision of support. The Court of Appeal in *R (Q and Others) v. Secretary of State for the Home Department*<sup>20</sup> agreed that deprivation of benefits could in certain circumstances constitute “inhumane and degrading treatment” and that support could not be denied to asylum seekers in such circumstances. In the subsequent case of *R (S) v Secretary of State for the Home Department*<sup>21</sup>, the refusal of support to asylum seekers who were rendered destitute as a consequence was held to again violate Article 3 of the ECHR, thereby ensuring that the Human Rights Act can ensure a basic level of support.

### **3.3 Legal basis for housing for specific groups**

#### **Asylum seekers**

Local authorities have a legal obligation to house asylum seekers. In order to deal with the logistics of the dispersal system, the Home Office set up the National Asylum Support System (NASS), organised on a regional basis including Wales and Scotland. In Northern Ireland, the Housing Executive has a contractual role to provide accommodation and support. NASS enters into contracts with the private sector to secure accommodation for asylum seekers. In a minority of cases, this has led to problems of exploitation, poor conditions and little attention to the wider support that asylum seekers often require. NASS has sometimes awarded block contracts to the private sector at 'rent' levels in excess of the average. This has caused problems in the private letting market where landlords now expect higher rents, often in return for poor quality accommodation.<sup>22</sup> Some dispersal has been successful, leading to good practice in places like Yorkshire and Humberside which pioneered the first induction centre in June 2003. Housing associations have a mixed track record in dealing with asylum seekers.<sup>23</sup>

Refugees are eligible for help under homelessness legislation and are covered by the Race Relations Amendment Act 2000. However, there are inconsistent practices between different areas in how refugees are treated under homelessness legislation and whether and to what extent the needs of asylum seekers and refugees are considered in local policies on race and equalities.

#### **Gypsies and Travellers**

Local authorities have the power to provide public sites for Gypsies and Travellers. These can be residential (long term) or transit sites. Between 1968 and 1994 authorities had a legal duty to provide sites and since this was repealed public sites have declined in number. In addition Gypsies and Travellers can buy their own land and apply for planning permission, though research suggests that in practice this is very difficult to obtain.

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<sup>20</sup> PUBUK0383

<sup>21</sup> PUBUK0384

<sup>22</sup> PUBUK0416

<sup>23</sup> PUBUK0537

### **3.4 Anti-discrimination legislation and policy in the housing sector**

#### **Race Relations (Amendment) Act 2000**

As explained above, this Act amends the 1976 Act and introduced a new duty for a large number of public authorities to be proactive in promoting race equality. This requires local authorities and the devolved authorities to have due regard, in carrying out their functions, to the need to eliminate unlawful discrimination, promote equality of opportunity and good relations between persons of different racial groups.

Local authority housing departments are covered directly by the public duty to promote race equality. Housing Associations are not covered as they are voluntary sector organisations and not public authorities. The Housing Corporation is covered by the duty and it funds, regulates and inspects housing associations. The Corporation must promote race equality in all its functions. The Corporation cannot 'pass on' the duty to associations and any enforcement action for widespread failure within the sector could only be directed towards the Corporation. Private landlords, estate agents, accommodation agencies and other private sector organisations will not be subject to this section of the Race Relations Act when carrying out a public function under contract. Registered Social Landlords are not classified as public bodies under the 2000 Race Relations Act.

#### *Guidance on the implementation of the public duty to promote race equality*

The Commission for Racial Equality (CRE) has provided guidance to local authorities, the devolved bodies and other public bodies on how to fulfil their duties under the 2000 Act.<sup>24</sup>

Further, the CRE's Code of Practice in Rented Housing for the Elimination of Racial Discrimination and Promotion of Equal Opportunities (1991) and the Code of Practice in Non-Rented (Owner-Occupied) Housing (1992) remain in force.

#### **Community cohesion**

The race related riots between Asian and white youths in certain socio-economically deprived towns in the North of England in 2000 have led to a new focus on 'community cohesion', as a result of a series of reports commissioned to investigate the causes of the riots. One of the reports, the so-called Cantle Report, identified a number of recurring elements contributing to the existence of ethnically segregated communities. These included ignorance about each other's communities, frustration borne out of poverty and deprivation, failure to communicate between segregated communities, a lack of clear and consistent messages from local and political leaders, and no attempt to develop clear values on the meaning of being a citizen in a multi-racial UK.<sup>25</sup>

In response to the Cantle Report, the Government in its White Paper 'Secure Borders, Safe Haven: Integration With Diversity in Modern Britain' acknowledged the multi-

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<sup>24</sup> PUBUK0538

<sup>25</sup> PUBUK0243

ethnic nature of Britain: "our society is based on cultural difference, rather than assimilation to a prevailing monoculture. This diversity is a source of pride..."<sup>26</sup> It also committed itself to engaging in a new debate on citizenship in the broader sense. A series of community cohesion initiatives have been introduced, including extensive guidance for local authorities to how to bring local communities together, as well as the establishment of consultative panels, including one on housing, and a Home Office Community Cohesion Unit to guide the development of anti-segregation policies.<sup>27</sup>

Housing has been identified as a contributing factor to the race related riots of 2001 and to racial tension in some areas of deprivation. Housing, therefore, must be seen as part of the solution. The Cantle report discussed polarisation in terms of the physical segregation of housing estates and other aspects such as education and employment. It also recognised that good practice in cross-cultural cohesion is evident in housing but that it is not as widespread or consistent as it is needed.

This new emphasis on community cohesion and citizenship continues to frame government policy. The constitutional reforms introduced by the current Labour government since 1997 have in addition incorporated the European Convention on Human Rights into UK law by the Human Rights Act 1998 and established devolved parliaments in Scotland, Wales and Northern Ireland. Both steps have had a considerable impact on race discrimination issues. The powers of the devolved administrations of Scotland, Wales, and Northern Ireland to address issues of discrimination and equality mean that different integration, equality and legislative strategies have developed to an extent in each of the devolved regions.

While the power to legislate on equal opportunities is reserved to the UK Parliament there are two exceptions to the reservation: the encouragement (other than by prohibition or regulation) of equal opportunities and in particular the observance of the equal opportunity requirements; and the imposition of duties on Scottish public and cross-border public authorities in relation to their Scottish functions. The Scotland Act defines "equal opportunities" as " the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions such as religious beliefs or political opinions."

Moreover, the Housing (Scotland) Act 2001 requires Scottish Ministers, local authorities and social landlords to exercise their housing functions in a way that encourages equal opportunities, and to comply with equal opportunities law in providing housing and related services. Section 106 of the Act states that landlords must have regard to the needs of all their tenants, including those from ethnic minorities, people with disabilities and other minority groups. In addition, one of the eight mandatory standing committees of the Scottish Parliament is the all-party Equal Opportunities Committee which has responsibility for considering and reporting on equal opportunities issues and monitoring equal opportunities in Parliament. Parliament's Standing Orders also require all proposed legislation to be accompanied by a statement of its impact on equal opportunities.

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<sup>26</sup> PUBUK0334

<sup>27</sup> NFPUK0202

### **Neighbourhood Regeneration**

Housing Regeneration Companies (HRCs) are a new approach to neighbourhood regeneration.<sup>28</sup> They bring together a host of organisations - including housing associations, local authorities, co-operatives, private landlords and other agencies - and deliver innovative approaches to property management and housing which are responsive to local needs. HRCs work across all types of housing tenure, including the private and public sectors. So they have a comprehensive neighbourhood focus (some other regeneration initiatives have mainly focused on one particular sector). The need for this broader approach was highlighted by the Government's Urban White Paper in 2000. HRCs' tasks include "bricks and mortar" work, and housing-related activities which help neighbourhoods function (e.g. providing people with the skills, training and employment opportunities they need to contribute to the management of their neighbourhoods).

HRCs aim to:

- adjust the supply of different housing types to better fit local demand;
- promote the use of existing methods and funds to regenerate properties and develop vacant sites;
- engage local communities in their activities; and
- build effective partnerships with the public, private and voluntary sectors to promote "joined-up" working - e.g. link housing renewal with urban regeneration policies.

### **3.5 Monitoring systems**

#### **Best Value in Housing<sup>29</sup>**

The Local Government Act 1999 provides for a new duty of Best Value. From 1 April 2000 local authorities are required to secure continuous improvement in the way in which they exercise their functions, having regard to a combination of economy, efficiency and effectiveness. The duty of Best Value applies to all local authority functions, including housing. In carrying out this duty local authorities will be accountable to local people and to central government in its position as a supplier of funds.

#### *Best Value and Registered Social Landlords*

The Housing Corporation, as the regulatory body for Registered Social Landlords (RSLs), is fully signed up to the Best Value agenda. Best Value inspection of Registered Social Landlords came into force in April 2002. The requirement for RSLs to operate under Best Value principles is contained in the Housing Corporation's Regulatory Code<sup>30</sup> and 'Our Approach to Inspection'<sup>31</sup> published in January 2002. RSL policies and service delivery for ethnic minorities is monitored and reviewed through inspection against the regulatory framework and Best Value requirements.

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<sup>28</sup> cf. NFPUK0204

<sup>29</sup> For a detailed explanation of Best Value see the ODPM's factsheet on Best Value in Housing, available at: <http://www.housing.odpm.gov.uk> (25.09.2003).

<sup>30</sup> PUBUK0539

<sup>31</sup> PUBUK0539

### **Local Authority Comprehensive Performance Assessment**

The Local Government White Paper 'Strong Local Leadership - Quality Public Services'<sup>32</sup> tasked the Audit Commission with carrying out Comprehensive Performance Assessments for councils in England. These assessments will, for the first time, bring together a wide range of performance information to deliver an overall judgement based on the delivery of core services and the corporate strength of each council.<sup>33</sup>

The housing service assessment considers the council's performance in the areas listed below. Evidence used includes best value inspection reports; performance indicators and government plan assessments. An overall score is reached by combining information from each of these sources to measure the council's performance on community housing, housing management and housing strategy. Race equality issues are embedded in the assessment framework.

### **The Housing Inspectorate**

In April 2003, the inspection role of social housing has been united into a single Housing Inspectorate<sup>34</sup>. The new Inspectorate is responsible for driving up standards of service to tenants of both local authorities and housing associations. The changes also bring together staff from the former Housing Inspectorate who inspected local authority housing services, and staff transferred from the Housing Corporation<sup>35</sup> who handled the inspection of housing associations. The Housing Inspectorate has been established as a branch of the Audit Commission, as part of the Best Value Inspection Directorate, to assess local authorities' performance in achieving Best Value in the provision of housing services.

The Inspectorate will report the result of its inspection of housing associations to the Housing Corporation, as the statutory regulator and both will work together closely to ensure inspection and regulatory activity are properly co-ordinated to avoid unnecessary burdens on housing associations. The new arrangements also recognise the growing number of transfers of council houses to housing association management and the expectation that tenants should enjoy common standards of service. For the first year 2003/04, as a transitional stage, the Inspectorate will continue to use the Housing Corporation's framework for housing associations.<sup>36</sup> From 2004/05, they will use the same framework for all housing.

The Housing Corporation is a non-departmental public body, sponsored by the Office of the Deputy Prime Minister. The Housing Corporation keeps all its other functions and powers and continues to fund and to regulate housing associations. Any action or sanctions against housing associations will still be up to the Housing Corporation but some of the information they base their decisions on will now come from the Housing Inspectorate instead of from their own staff.<sup>37</sup>

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<sup>32</sup> Available at: [http://www.odpm.gov.uk/stellent/groups/odpm\\_control/documents/contentservertemplate/odpm\\_index.hcst?n=1946&l=3](http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index.hcst?n=1946&l=3) (26.09.2003).

<sup>33</sup> For further information see NFPUK0206

<sup>34</sup> NFPUK0206

<sup>35</sup> NFPUK0204

<sup>36</sup> PUBUK0539

<sup>37</sup> Cf. NFPUK0206

## **Race and Housing Inquiry**

The CRE set up the inquiry into housing associations in 2000 in partnership with three other housing organisations (Federation of Black Housing Organisations<sup>38</sup>, National Housing Federation<sup>39</sup>, The Housing Corporation<sup>40</sup>). It was not a formal investigation as defined in the Race Relations Act but the CRE has supported the findings of the recommendations of the inquiry. The inquiry looked at recent research, invited written evidence and held public hearings during 2000 and 2001. The findings were published in the so-called Challenge Report setting out what the problems are in the sector and set challenges for action that needed to be taken.<sup>41</sup> These challenges were aimed at associations as well as other organisations who have an impact on the sector, such as, for example, The Housing Corporation, local authorities, CRE, and the government department responsible for housing. This included targets for race equality outcomes with milestones for housing associations. The panel also produced a code of practice<sup>42</sup>, aimed solely at housing associations. As part of their regulatory approach, The Housing Corporation recommended the code to associations as good practice.

## **Enforcement**

The CRE has the power to enforce the specific duties imposed under the 2000 Act through a Compliance Notice and if necessary, through the county court. If a public authority does not meet its general duty, its actions can be challenged by an application to the high court for a judicial review. An application for judicial review can be made by an individual, a group of people or the CRE.

## **Independent Housing Ombudsman<sup>43</sup>**

The Independent Housing Ombudsman Scheme deals with disputes between landlords and tenants in England. The scheme was established under the Housing Act 1996 with jurisdiction over more than 2,000 landlords. The Ombudsman scheme is free of charge:

- Aims to provide a fair and effective way of dealing with complaints against member landlords from people who receive their services.
- Seeks redress for complaints, where justified.
- Identifies failings in the services provided by member landlords and can ask them to change their way of working.

The Housing Act 1996 requires all social landlords to belong to the scheme. But it does not include local councils: council tenants must complain to the Local Government Ombudsman. It includes all landlords registered with the Housing Corporation and any landlord who has taken over local authority homes, such as a 'local housing company'. The Scheme also includes landlords which have joined it voluntarily. Landlords in the Scheme are expected to comply. If the landlords don't do as the Ombudsman says, he may order them to publish that they have failed to do so, in anyway he sees fit. In the case of landlords who are voluntary members, he may expel them, from the scheme and order them to publish, at their expense, his reasons

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<sup>38</sup> NFPUK02011

<sup>39</sup> NFPUK0210

<sup>40</sup> NFPUK0204

<sup>41</sup> PUBUK0427

<sup>42</sup> PUBUK0540

<sup>43</sup> NFPUK0231

for doing so. The Ombudsman may also publish summaries of some of its other investigations, including mediations and arbitrations.

## **4. Description and analysis of existing data and sources in the housing sector**

The available data covers various indices, from the experiences and perceptions of black ethnic minority tenants to analyses of regulatory performance and housing strategy and action plans. The level of detail of the various sources ranges from general national surveys to very specific housing studies and reports.

The collection of data on the size and composition of the ethnic minority community in the UK, settlement patterns, population growth, housing standards, density of occupation, amenity levels and household incomes is comprehensive, though there is a lack of data, along these variables, on asylum seekers, refugees, gypsies and travellers.

An overview of the available data indicates considerable disparities between ethnic groups.

### **4.1 Demography and settlement patterns**

*See Annex B, Table A for the size and composition of the UK ethnic minority community.*

The 2001 Census revealed the changing demographics of the UK. In Great Britain, the ethnic minority population grew by 53 per cent between 1991 and 2001, from 3.0 million in 1991 to 4.6 million in 2001. The ethnic minority population of the UK constitutes 7.9 per cent of the total population in 2001<sup>44</sup>. In England, the ethnic minority population rose from 6 per cent in 1991 to 9 per cent in 2001, and the Black and South Asian population of the UK in general is continually growing, largely due to the disproportionately youthful age structure of most of its constituent groups. It is projected to account for more than half of the growth in the working age population over the next ten years.<sup>45</sup> This is entirely due to the younger age structure of these populations, with children who are currently in schools and colleges joining the labour force.

The overwhelming majority, 97 per cent, live in England, with 2 per cent in Scotland and 1 per cent in Wales. Almost half of the total ethnic minority population were Asians of Indian, Pakistani, Bangladeshi or other Asian origin. A quarter of ethnic minority people described themselves as Black, which is Black Caribbean, Black African or Other Black.<sup>46</sup> For the first time, the 2001 Census allowed people to describe themselves as of mixed ethnicity and fifteen per cent of the total ethnic minority population described their ethnic group as mixed. About a third of this group were from White and Black Caribbean backgrounds. There is a large Other category, making up another fifth, whose origins are drawn from a very wide range of countries.

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<sup>44</sup> PUBUK0452

<sup>45</sup> PUBUK0050

<sup>46</sup> The largest single group in this category consists of people of Indian origin (approximately one million individuals). There are around half a million people in each of the second (Black Caribbean) and third (Pakistani) largest groups. Other significant groups include the Bangladeshi, Nigerian and other West African communities. See PUBUK0050, para. 2.1, p. 20.

*See Annex B, Table B for the regional distribution of the UK ethnic minority population.*

The results from the Survey of English Housing (SEH) for 1998-2000 indicate the regional distributions for five ethnic groupings, with white households most evenly spread geographically. The largest concentrations for ethnic minority groups are in the urban centres. Nearly half (45 per cent) of the total ethnic minority population live in the London region, where they make up 29 per cent of all residents. After London, there is a substantial presence in several other regions and low percentages in the North East and South West. The second largest proportion of the ethnic minority population lives in the West Midlands (13 per cent of the total ethnic minority population), followed by the South East (8 per cent), the North West (8 per cent), and Yorkshire and Humberside (7 per cent). In 1999, 1.6 per cent of the Scottish population were from an ethnic minority.<sup>47</sup>

The small sizes of the populations create problems for sample surveys which are an important source for understanding changes affecting all groups. Statistics can usually be presented only for the largest population groups and may have serious health warnings because of relatively small sample sizes. There is relatively little research or data about particularly small or new migrant groups.

The Traveller community in the UK, a composite population composed of members of the Irish Traveller community, Roma and other groups, are said to number 90-120,000 nomadic Travellers. The exact figure is difficult to estimate as their numbers are not recorded accurately in census records, which again is a deficiency in data collection and indicative of the low profile given to Traveller issues.<sup>48</sup> There is a considerable lack of data on the Traveller community and there is no official figure for the number of Gypsies and Travellers in the UK. The Council of Europe overall estimate in 1987 was between 80,000-110,000, but according to some as many as 200,000 more people of Traveller ancestry are living in settled housing and estimate that 'Travelling People number no more than 300,000'.<sup>49</sup>

The literature reflects a lack of reliable data on homelessness experienced by different ethnic groups and much of the limited research evidence concentrates on London. Members of ethnic minority groups appear less likely to be homeless on the street and therefore tend to be less visible. Homeless young people from ethnic minority groups were less likely than Whites to have slept rough and more likely to have stayed with friends and relatives. Members of ethnic minority groups make up 22 per cent of households accepted by local authorities as homeless and are therefore considerably over-represented.

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<sup>47</sup> The geographical distribution of the different major ethnic minority groups varies considerably. Seventy eight per cent of Black Africans and 61 percent of Black Caribbeans lived in London. More than half of the Bangladeshi group (54 per cent) also lived in London. Other ethnic minority groups were more dispersed. Only 19 per cent of Pakistanis resided in London, 21 per cent lived in the West Midlands, 20 per cent in Yorkshire and the Humber, and 16 per cent in the North West.

<sup>48</sup> See NFPUK0190

<sup>49</sup> PUBUK0541

## 4.2 Housing standards

*See Annex B, Table C for the occupation density (overcrowding) of the UK ethnic minority community.*

*See Annex B, Table D for the housing conditions of the UK ethnic minority community.*

While many ethnic minority households are owner-occupiers, they are located very firmly in the lower end of the tenure in terms of property quality. As shown in Table C and Table D there are distinct patterns of differentiation in terms of overcrowding and housing conditions. Table C indicates the importance of overcrowding for a significant percentage of households in the Pakistani/Bangladeshi group in particular, with 23 per cent of households compared to 2 per cent of white people one or more below the bedroom standard. White households are less likely to be overcrowded than households of other ethnic groups. As Table D shows they are also less likely to have poor housing conditions (unfitness, substantial levels of disrepair, need for essential modernisation) or live in poor conditions (local concentration of housing in substantial disrepair, vacant/derelict housing sites, or forms of neglect or misuse). Households from the Pakistani or Bangladeshi group are most likely to have poor housing and living conditions.

Research from the Joseph Rowntree Foundation has also indicated that British Pakistanis have been persistently disadvantaged in housing, experiencing poor conditions and lack of access to social housing. A study of housing preferences and strategies in three Pakistani communities in Britain found that many Pakistani families own poor quality housing in inner city areas, and lack resources to improve or maintain it. Without loans or grants for house maintenance or improvement, these homeowners are unlikely to obtain good quality accommodation outside the social rented sector.<sup>50</sup>

## 4.3 Amenity levels

*See Annex B, Table E for Ethnic Minority Employment Rates by Region.*

The Final Report of the UK Performance and Innovation Unit on the performance of ethnic minorities within the UK labour market, published in early 2003 following an initial consultation paper, analysed in detail:

- the extent to which different ethnic minorities were performing in the labour market,
- the factors that contributed to the relative levels of performance; and
- the necessary targeted action and initiatives that were necessary to enhance the prospects of ethnic minorities.<sup>51</sup>

The report suggests that the employment rates of ethnic minorities, as a group, vary by region. As Table E illustrates, ethnic minority employment rates are highest in outer London and lowest in West Yorkshire and Greater Manchester.

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<sup>50</sup> PUBUK0414

<sup>51</sup> PUBUK0050

#### **4.4 Household income levels**

*See Annex B, Table F for the gross weekly income standardised for the region of head of household and partner by ethnic group.*

Deborah Phillips notes that there are ‘forces for both minority ethnic inclusion and exclusion from competition for economic rewards and social status’, and that these forces ‘produce different outcomes for different groups and a variable experience within minority ethnic groups according to generation, gender and class.’<sup>52</sup> Nonetheless, very many Black households have relatively low incomes. Specific groups have been over-represented in declining industries. While there are substantial variations in unemployment rates, the Black African, Pakistani and Bangladeshi groups being in the worst positions in 1991, with the unemployment position of Indians being closer to that of whites. Modood indicates a general pattern of inequality, but also of a divergence in the circumstances of the main minorities.<sup>53</sup> He explains the diversities, but notes the view that there are continuing possibilities of what writers sometimes refer to as ‘ethnic penalties’, whereby all non-white groups (regardless of qualifications and positions in jobs hierarchies), suffer a disadvantage which leads them to fare less well than similarly qualified whites.<sup>54</sup> Berthoud locates Pakistanis and Bangladeshis amongst the poorest, with ‘four times the poverty rate found among white people.’<sup>55</sup>

Table F shows the Pakistani/Bangladeshi and ‘Other’ ethnic groups having the highest percentages of heads of households and partners in the lowest income category and the Pakistani/Bangladeshi group containing the largest percentage of heads of households and partner (37 per cent) receiving under £200 per week. While the White, Indian and ‘Other’ groups are very well represented in the higher income ranges, the reverse is true for the Pakistani/Bangladeshi group. The effect of low incomes amongst some ethnic minority groups can lead to arrears of both mortgage and rent, and in some cases lenders or landlords instituting proceedings to repossess houses. As research into housing possession cases stated the propensity to be involved in possession cases would, to some extent, be influenced by household income and patterns of employment. However, the research concluded that the reasons for getting into arrears did not appear to differ between white and ethnic minority households.<sup>56</sup>

#### **4.5 Descriptive and quantitative data on complaints**

*See Annex B, Table G for the ethnic origin of complainants.*

*See Annex B, Table H for the type of complaint by ethnic origin.*

*See Annex B, Table I for the colour of complainants.*

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<sup>52</sup> Phillips, D. (1998) ‘Black minority and ethnic concentration, segregation and dispersal in Britain’, in: *Urban Studies*, No. 35, pp. 1681-1702.

<sup>53</sup> PUBUK0073, pp. 83-149.

<sup>54</sup> *Ibid*; cf. Karn, V. (1997) ‘Ethnic Penalties’ and ‘racial discrimination in education, employment and housing: conclusions and policy implications’, in: Karn, V, *Ethnicity in the 1991 Census; Volume 4 Employment, Education and Housing among the ethnic minority population of Britain*, London: The Stationary Office, pp. 265-290.

<sup>55</sup> Berthoud, R. (1997) *Income and Standards of Living*, in: PUBUK0542.

<sup>56</sup> *Ethnic minority* PUBUK0428

There is a lack of data about the implementation of race relations legislation outside of employment such as housing, goods and services, and education. In contrast, the Independent Housing Ombudsman collects useful data on complainant's profiles. The latest figures, published in the ombudsman's annual report, show that complaints from ethnic minorities continue to be over represented in percentage terms compared with the CORE data.<sup>57</sup>

A survey published jointly by Lemos&Crane and the Joseph Rowntree Foundation<sup>58</sup> reported that action against perpetrators of racial harassment is still rare. Ten to 15 per cent of reported incidents result in criminal court action, and only a small proportion of cases reported to social landlords lead to civil injunctions or eviction orders. According to the survey few tenants in social housing are transferred to another home as a result of racial harassment. Further, although most frontline staff in the police and housing departments have received training in equal opportunities or race awareness, specific training on racial harassment is less common.

#### **4.6 Major research findings**

- **Race and Housing Inquiry: A Challenge Report**<sup>59</sup>

The Race and Housing Inquiry was set up to challenge Registered Social Landlords (RSLs) and the organisations they work with to look at where and how the sector can improve race equality through accountable and measurable action. The inquiry was created as a joint initiative of the Commission for Racial Equality, the National Housing Federation, the Federation of Black Housing Organisations and the Housing Corporation. An Inquiry Panel, including senior people from these organisations and people drawn from RSLs and other bodies, received ideas and views on how to achieve positive outcomes for ethnic minority communities.

The report sets challenges for RSLs. It also sets challenges for organisations working with RSLs, including local government, professional bodies and private businesses. Challenges are set for central government and for the organisations regulating and supporting the sector such as the Housing Corporation. Milestones are identified by which progress can be evaluated and assessed.

- **Office of the Deputy Prime Minister - Housing and Black and Minority Ethnic Communities: Review of the evidence base**<sup>60</sup>

The report presents an overview of the research record and available data in the field of housing, race and ethnicity. It identifies important topics that might deserve further investigation. As well as referring to general data, the report comments on a wide range of specific housing studies and reports, some of which can be noted as exemplars of useful investigatory practice or constructive research innovation. The review highlights both strengths and gaps in the evidence base and will help to inform the development of the research agenda for government. The review has not directly covered asylum seekers, refugees, gypsies or travellers, although it has drawn upon

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<sup>57</sup> NFPUK0227

<sup>58</sup> NFPUK0072

<sup>59</sup> PUBUK0427

<sup>60</sup> PUBUK0403

some writings that include them. Most of the sources cited relate to England in particular, but many of the issues discussed have wider relevance. The various sections of the report can be read fairly independently of each other, so as to provide readers with convenient points of entry to key research contexts and topics.

- **Joseph Rowntree Foundation – Ethnic Diversity, neighbourhoods and housing**<sup>61</sup>

The main findings of research projects funded by the Joseph Rowntree Foundation that have examined the social and economic experiences of ethnic minority groups have been consolidated by Kusminder Chahal into a briefing paper. Although many people will be aware of the issues raised, the persistence of some difficulties suggests that greater attention needs to be paid to them by mainstream services and more account taken of them in the formulation of general economic and social policy. Ethnic minority groups do not form a homogeneous mass at which policy initiatives can be aimed in equal measure, but rather they have different needs because of different social and economic developments. They have different levels of employment and earnings, and family structures are developing in different ways.

The significant variations between ethnic minority groups imply that each group should be viewed as a separate research and policy grouping, whether this is within more general policies, such as social exclusion, or specifically targeted programmes. There remain persistent barriers to ethnic minority groups' full and active involvement across a range of measures.

The research considered in detail some of the issues for housing and regeneration policy:

- Targeting resources on council estates side steps the problems of deprivation because the most disadvantaged areas for ethnic minority groups are mixed tenure.
- Ethnic diversity within a local area can benefit social cohesion through a stable resident population, entrepreneurial activity and leadership, and the development of social networks beyond the confines of the immediate locality.
- Greater involvement of ethnic minority groups in regeneration projects is essential if differences in priority between ethnic groups are to be taken into account. Wider involvement of people from ethnic minority groups in partnerships can be promoted by making it a condition to have ethnic minority representation.
- There are examples of sensitivity to the particular problems and lack of opportunities faced by ethnic minority groups to achieve success.
- The evidence from a wide range of research projects suggests that - to improve the information base of localities and to better target policy initiatives - an awareness of diversity and difference needs to be a key focus at all stages of the policy, practice and research process.

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<sup>61</sup> PUBUK0415

• **Lemos&Crane – Racial Harassment: action on the ground**<sup>62</sup>

Researchers from the consultancy Lemos&Crane interviewed 250 agencies tackling racial harassment in 67 local authority areas where the majority of ethnic minority people live in England, Scotland, Wales and Northern Ireland. The main conclusions of the research were:

- Multi-agency forums exist in most areas, although the larger cities outside London appear to have the greatest difficulty sustaining them. Some forums have experienced conflict, sometimes lacking purpose or resources.
- Most agencies feel under-reporting is still a problem, though the publicity surrounding the murder of Stephen Lawrence has greatly increased reporting. Even when racist incidents are reported, they are not always recorded as such. Incidents do not always receive the appropriate response because the racist motive has not been taken into account, and the problem is still being understated.
- Efforts to establish 'third-party' reporting centres for racist incidents are patchy, as are reporting arrangements outside normal working hours other than to the emergency services. Many practitioners questioned whether third-party centres would really increase reporting.
- Most specialist agencies have made efforts to publicise an anti-racial harassment stance. Little evidence was available about the effectiveness of this work. In many areas information for victims has also been produced.
- Support for victims is more likely to be available in areas where there is a specialist agency working on racial harassment. Support might include provision of advice, counselling, personal alarms and mobile telephones, and home security improvements for social housing tenants.
- Very few social housing tenants are transferred as a result of racial harassment; many social landlords feel that the priority is dealing with perpetrators, not moving victims.
- Action against perpetrators is still rare. Ten to fifteen per cent of reported incidents resulted in criminal action and only a tiny proportion of cases reported to social landlords resulted in possession actions. The use of injunctions to stop harassment was rare, while anti-social behaviour orders had only been used in few of the areas surveyed.
- Most frontline staff in the police and housing departments had received some training in equal opportunities or race awareness. Specific training about racial harassment was less common.

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<sup>62</sup> PUBUK0490

## **5. Analysis of direct and indirect discrimination**

Housing impacts on people's well being, their sense of worth, the local community and employment. It therefore has a fundamental role to play in addressing wider cross-cutting issues. If people live in decent housing, and are provided with efficient, high quality services needed to sustain that, they are more likely to benefit from good health, higher educational attainment and better-paid work. This chapter is based on the main findings from recent research on housing and ethnic diversity, reviewed and evaluated in two publications:<sup>63</sup>

- Chahal, K. (2000) Ethnic diversity, neighbourhoods and housing, Foundations Report 110, York: Joseph Rowntree Foundation. ODPM 2003; K. Chahal (2000) Ethnic diversity, neighbourhoods and housing, Foundations Report 110, Joseph Rowntree Foundation, available at [www.jrf.org.uk/knowledge/findings/foundations/110.asp](http://www.jrf.org.uk/knowledge/findings/foundations/110.asp) (16.09.2003)PUBUK0415
- Office of the Deputy Prime Minister (2003) Housing and Black and Minority Ethnic Communities. Review of the Evidence Base, London: HMSO. PUBUK0403

### **5.1 Key issues**

#### **Regeneration and neighbourhood renewal**

People from ethnic minority groups who are social housing tenants live in the most deprived areas and they are generally over-represented in deprived inner city areas. This implies that area regeneration policies need to be spread across tenure groups within neighbourhoods where ethnic minority groups reside, particularly if issues of diversity are to be integral to the programme of improvement.

There is a significant lack of information about ethnic minority groups and about the impact of regeneration policies and programmes on them. Researchers have argued that renewal or regeneration investment has not led to enough explicit or lasting benefits for ethnic minority communities, that targeting was poor or ad hoc, that funding was too short-term or precarious, and that black-led organisations were not accorded a sufficient role. Targeting resources on council estates has been criticised as sidestepping the problems of deprivation because the most disadvantaged areas for ethnic minority groups are of mixed tenure. Regeneration programmes commonly fail to engage ethnic minority groups and prioritise their problems.

#### **Housing needs**

Housing needs studies serve to highlight the diverse needs of the different communities and the commonality of housing experiences amongst some groups. All communities share the desire to live in areas where there are other members of their community and cultural and religious facilities close by and this becomes particularly

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<sup>63</sup> PUBUK0415

important in later life. Common problems are affordability in terms of housing and access to social housing for some groups, while overcrowding and poor housing conditions are particularly important for some groups, e.g. Pakistanis and Bangladeshis. Because of the public policy and investment focus on social rented housing rather than the private sectors, there may be too few means for policy makers to respond to housing and allied disadvantages for some of the communities whose needs are being researched.

### **Racist harassment and household choice**

Members of ethnic minority groups were four times more likely to see racist harassment as a serious problem in their area than Whites (Survey of English Housing 1998-2000). The research evidence suggests that harassment associated with residence remains widespread and can have a negative effect on household choice of residential area. Studies have highlighted problems of the Asian and African/Caribbean communities generally and of both Black women and of White women with Black children or children of mixed heritage. Researchers have criticised the effectiveness of responses to racist harassment and the take-up of good practice on tackling it by official bodies, including social landlords.

Generally, such victimisation occurs in outlying areas where ethnic minority families are isolated and removed from familiar networks. These areas are predominantly, although not exclusively, local authority estates. The effect of racist victimisation is to restrict choices about housing and lifestyle. This occurs because people are deterred from going to certain places or moving to certain areas. In extreme cases of victimisation, people give up their home and become homeless because of the intolerable local situation. Some areas are effectively controlled by white people to the detriment of people from ethnic minority groups. Children, women and older people may not use certain play or leisure facilities because of the threat of racist victimisation. This can have profound effects on people's level of engagement within the wider community. Lack of choice about housing, identified as a key issue in reports on community cohesion, applies even more sharply to refugees than other ethnic minority groups.<sup>64</sup>

### **Planning and consultation**

Ethnic minority groups are predominantly located in inner city areas and the evidence suggests they have been both targeted by and excluded from area regeneration. Whilst ethnic minority groups have been at the receiving end of a wide range of urban regeneration programmes, they have not been adequately involved in planning and implementing urban renewal programmes. Renewal policy often ignores the diversity and difference within local areas due to the inadequacy of the information collected or available. Ethnic minority groups have diverse needs, but certain commonly held priorities do emerge which are different from those of the local white population. In a survey in Sandwell, in the West Midlands, for example, ethnic minority groups wanted action on racist violence, safety on the streets and housing to be priorities. However, the white population prioritised jobs and economic development. Greater involvement of ethnic minority groups in regeneration projects is essential if these differences in priority are to be taken into account.

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<sup>64</sup> Cf. Chartered Institute of Housing (2003) PUBUK0416

## **Partnerships**

The promotion of initiatives to benefit ethnic minority groups as an objective within funding bids takes a very low priority amongst local authorities. In the first three rounds of the Single Regeneration Budget<sup>65</sup>, out of 555 successful bids, only four were led by ethnic minority organisations. The growth in partnerships and networks in urban regeneration may act as a barrier to inclusion as the Single Regeneration Budget has included few structural safeguards on ethnic minority representation. People from ethnic minorities can be under-represented on partnership boards and networks and, therefore, excluded from decision-making. Wider involvement can be promoted by making it a condition to have ethnic minority representation. However, this needs to be undertaken as a strategic policy, with guidelines ensuring effective involvement and not tokenism.

## **Segregation**

After five decades of settlement, Britain's ethnic minority population is still disproportionately concentrated in the poorest urban, usually inner city locations and in the most deprived housing. The separation of groups living in different localities in itself is not necessarily a bad thing, it is the continuing association between segregation of ethnic minority communities and deprivation that is problematic. Clustering has many positive attributes, which are evident through extended social and cultural relations, social support, a sense of belonging and well developed community infrastructures. There is a need to widen the housing choices of ethnic minority groups, both through providing support for those who wish to move away from the established ethnic cluster, and by widening housing options within the ethnic cluster for those who wish to stay.

Racial segregation has been made unlawful under successive race relations laws in the UK but this does not apply to congregation where people from a particular group choose to live together. The race related riots of 2001 raised the question whether congregation can have a negative effect on race relations and community cohesion.<sup>66</sup> Compelling people to disperse and integrate would be as unlawful as intentional segregation. However, the choices open to people can be increased by tackling economic and other forms of deprivation, and by tackling racial discrimination and harassment. The Cattle report criticised housing policy for contributing towards high levels of residential segregation in many English towns, making it difficult to achieve community cohesion. Choices are not always freely made and may reflect the outcome of housing policy and provision. Choices are constrained by poverty and threats or the experience of harassment and violence, leading to frustration and resentment at the inequalities in access to better housing and better areas.

## **Positive neighbourhood strategies**

In view of concerns about segregation, researchers have studied the issue of movement by ethnic minority groups into more peripheral areas and of overcoming barriers to entry to social rented housing estates outside existing areas of settlement.

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<sup>65</sup> The Single Regeneration Budget is a government funding programme providing resources to support regeneration initiatives in England carried out by local regeneration partnerships. Its priority is to enhance the quality of life of local people in areas of need by reducing the gap between deprived and other areas, and between different groups.

<sup>66</sup> Cf. PUBUK0151

There is a need for sensitive and well-tuned policies to support ethnic minority households now wishing to move to non-traditional areas within the social rented sector. Some housing providers have begun implementing strategies of creating settlement nodes or clusters in more outlying areas, perhaps underpinned by inter-agency initiatives and tenant support. Shared ownership is potentially important for ethnic minority groups but affordability of even low cost homeownership is an important issue for some.

### **Housing institutions and housing consumers**

Research from the 1960s to the 1980s demonstrated that there were discriminatory practices against ethnic minority groups in both social and private sector housing. Some directly racist practices may persist but overt racism has far less purchase in housing practice today. Recent research suggests that for housing associations, BME housing and staffing strategies are not necessarily yet a firm part of business planning and organisational arrangements at a strategic level while evidence about local authorities is patchy. As far as the private sector is concerned, little is known about current interactions between institutions and consumers.

### **Participation and involvement**

The evidence suggests that ethnic minority tenants of councils and housing associations have been excluded rather than fully involved, while households may not even be aware of tenants associations, let alone members of them. Ethnic minority housing associations represent about 1.5% of housing association activity. Although firmly established in the policy arena, the ethnic minority associations have remained individually vulnerable to distinct pressures related to their funding opportunities, stock acquisition, limited assets, size, and periods of growth. Despite their small stock sizes, the black and ethnic minority housing associations have played crucial roles in giving ethnic minority participants a voice in housing policy and implementation and have provided valued role models within minority communities. Ethnic minority groups tend to be under-represented in the professional/technical workforces of white-led housing associations and local authorities.

## **5.2 Gypsies and Travellers**

The Traveller community in the UK also suffers from patterns of disadvantage. It is now estimated that over 30 per cent of the Traveller community live on unauthorised housing sites, and these poor living conditions have a negative impact on the health of the Traveller community. The British Medical Association has reported that the Traveller community is the most at risk health group in the UK, and that they have the lowest life expectancy and the highest child mortality rates in the UK. A lack of stopping places also has a disruptive impact on Traveller children's education.<sup>67</sup>

There are certain stereotypes and misconceptions about Gypsy/Travellers and they are perceived as a threat to settled communities. It is often claimed that it is a drain on public funds to provide sites for Gypsies and Travellers. However, research conducted by Cardiff Law School has proved that it is far more costly to bring repeated eviction action than it would be to provide sites. In any case, Travellers using authorised sites

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<sup>67</sup> See NFPUK0190

pay rents which are often significant. A small but highly visible percentage of Travelling people behave antisocially or are involved in local crime as do some people in every community. Statistics from police and other sources suggest that this is no more or less than non-Travelling people.<sup>68</sup> Enormous media interest, however, means that the bad behaviour of a very few on certain encampments is widely publicised, giving rise to prejudice about all Travellers.

One of the key issues for Gypsies and Travellers is site provision/housing. There is an immense shortage of site provisions both permanent and transit sites. It is estimated that over the next five years an additional 1000 to 2000 residential pitches and 2000 to 2500 transit sites will be needed. As a result many Gypsies and Travellers resort to camping without permission and consequently face a constant threat of eviction. Gypsies and Travellers who buy their own land with the hope of establishing a private site face great difficulty in getting planning permission. Key obstacles in improving service provision for Gypsies and Travellers are:

- Lack of public support for change: Even when individuals within an organisation are committed to making changes, there can be considerable opposition from others within and outside the authority. Issues relating to Gypsies and Travellers are seen as unpopular and not a 'vote winner' and local authorities are therefore reluctant to press forwards with changes.
- Racism: It is still widely 'acceptable' to use terminology, such as 'Gyppo' and 'Pikey' when referring to Gypsies and Travellers in contexts where similar insulting terms about other groups would be seen as unacceptable.
- Media coverage: The media both informs and reflects public opinion. Coverage of issues relating to Gypsies and Travellers is often derogatory and in many cases racist. The CRE does not have any legal powers to take action against or investigate matters relating to the content of the media.

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<sup>68</sup> Morris, R., Clements, L. (eds) (1999) *Gaining Ground: Law Reform for Gypsies and Travellers*, Hatfield: University of Hertfordshire Press, quoted in: Power, C. (2003) *Irish Travellers: Ethnicity, Racism and Pre-sentence Reports*, in: *Probation Journal*, Vol. 50, No. 3, p.256-257.

## **6. Strategies, initiatives and good practices for reducing racial/ethnic/religious/ cultural discrimination in housing**

### **6.1 Policies and legislation with respect to equal treatment and access to housing and to integration of ethnic minorities**

Local authorities across the UK and the devolved authorities have developed or are in the process of developing housing strategies and action plans with special reference to the requirements of ethnic minority groups. Housing strategies for ethnic minority communities should be an agreed, long-term 'vision' for local ethnic minority communities and a statement of strategic ethnic minority housing-related objectives and targets, either for a single RSL for a group of RSLs working in partnership. These housing strategies should demonstrate how local issues and opportunities to promote race equality in housing have been identified and how they will be responded to strategically. The specific actions required to implement ethnic minority housing strategy objectives should be set out in the RSLs Race Equality Plans and mainstreamed into local authorities overall housing and race equality strategies (cf. chapter 3).

The overall aim of ethnic minority housing strategies is to ensure that clear directives and targets are set for social landlords and other providers of housing to ensure that discrimination and disadvantage is eliminated across ethnic minority communities. In general, these strategies include the following elements:<sup>69</sup>

#### **Assessing ethnic minorities housing requirements**

- Local/regional government guidance on assessing housing requirements, including advice on assessing ethnic minority requirements and signpost more specialist guidance.
- Local authorities to assess ethnic community requirements as part of their overall assessment of local housing requirements for local housing strategies.

#### **Ethnic minority housing strategies**

- Social landlords to have a strategy for ethnic minorities linked to local housing strategy or be partner to a regional ethnic minority strategy.
- Involvement of ethnic minority communities and individuals in development, monitoring and evaluation of housing strategies for ethnic minorities.
- Consultation and participation of ethnic minority representatives on overall local housing strategy.

#### **Race Equality Plans/Schemes**

- Social landlords, local and regional government to carry out impact assessment of their policies and procedures on race equality. This is a corporate duty for local authorities under the Race Relations Amendment Act 2000.

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<sup>69</sup> See for example ethnic minority PUBUK0404

- Local authorities to publish a Race Equality Scheme setting out the arrangements to meet race equality duties. This is also a corporate duty under the 2000 Act.
- Social landlords to formulate a race equality plan, setting out priorities and targets, timetable for action, monitoring and tenant consultation systems.

### **Improving housing for ethnic minority communities**

- New and improved social housing should take into account particular requirements of ethnic minority community households through local consultation with regard to design of dwelling, site lay out and dwelling mix, location).

### **Ethnic monitoring**

- Monitoring of outcomes across all social landlords service areas.
- Monitoring of local lettings policies against the aim of ensuring fairness and equality of access for ethnic minorities.
- Monitor share of ethnic minority households on waiting lists and share of lettings to ethnic minority households.

### **Tenant participation**

- Tenant Participation compacts between tenants and local authorities or RSLs
- Develop guidance and good practice on the participation and empowerment of tenants from ethnic communities
- Funding of specific good practice tenant participation and capacity building initiatives that empower tenants from ethnic minorities.

### **Black, Minority Ethnic Housing Action Plan for Wales**

The Welsh Assembly Government published its Black, Ethnic minority Housing Action Plan in September 2002 to promote race equality in housing.<sup>70</sup> This Action Plan developed out of the Welsh Black, Minority Ethnic Housing Strategy (2001).

The key areas the strategy focuses on are:

- development and dissemination of guidance and good practice;
- identifying housing needs of ethnic minority groups;
- taking account of needs of ethnic minorities in the development of housing;
- improving service delivery for tenants from ethnic minorities;
- tackling racial harassment;
- increase involvement of people from ethnic minority backgrounds in tenant participation initiatives;
- developing a multi-agency approach to housing for ethnic minorities.

The organisations that can make the biggest contributions to the delivery of the Action Plan are social landlords. By April 2004, all local authorities and RSLs are required to have a housing strategy for ethnic minority groups in place. Local authorities are expected to include clearly defined targets in their Race Equality Schemes which should already be in place. RSLs are expected to have Race Equality Plans in place by April 2004. Most actions in the plan focus on the social housing sector and the Assembly Government is in the process of reviewing its private sector housing policies.

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<sup>70</sup>Ethnic minority PUBUK0426

The Action Plan is part of the Welsh government's broader agenda to meet its duties under the Race Relations Amendment Act 2002 and is one of the measures adopted under the Welsh National Housing Strategy. The Action Plan ties in with the "Equality of Opportunity" main theme of the Welsh Assembly Government's plan for Wales. Given the links between housing and other policy areas, the Action Plan is linked with other policies and programmes in the areas of employment, education, health and crime.

The general "Equality Standard" provides a framework for local government to address its legal obligations under anti-discrimination law, including the 200 Act. It allows local authorities to identify and remove discriminatory barriers that prevent equal access to services and employment for ethnic minorities, including housing. The "Equality Standard" is the responsibility of the Equality Policy Unit of the Welsh Local Government Association.<sup>71</sup>

### **Northern Ireland Housing Executive Equality Scheme<sup>72</sup>**

The Equality Scheme was introduced in 2001 under Section 75 of the Northern Ireland Act (1998). The scheme covers consultation, ensuring public access, monitoring, equality impact assessment, training and promoting good relations. In the area of promoting good relation, the Executive proposes to promote good relations between persons of different religious belief and/or different political opinion by implementing the community relations proposals in its Community Relations/Community Safety Strategy. This strategy was adopted in 2001 and its policy can be summarised as follows: to provide housing support to victims of sectarian intimidation; to maintain the freedom of choice of individual applicants to decide where they wish to live; and to support programmes which strengthen that choice by preventing intimidation, removing sectional symbols and developing 'mixed' estates. The race relations strategy, promoting good relations between persons of different racial groups, has yet to be adopted.

### **Communities Scotland Race Equality Scheme**

Communities Scotland<sup>73</sup> was set up in 2001 as the Scottish Executive agency reporting directly to Scottish Ministers. The new agency - replacing Scottish Homes - connects housing activities with wider community regeneration issues which centres around three main areas. Firstly, physical regeneration, to help regenerate disadvantaged areas. One of the major objectives to come under the agency's regeneration remit is to promote equalities in Scotland. Activities and policies include research to identify ethnic minority experiences of homelessness and involvement in of ethnic minority representation in Scottish Executive advisory group on homelessness services and ethnicity. The agency also supports thematic Social Inclusion Partnerships (SIP) on racial awareness and equality, and one for asylum seekers. SIPs are broadly based local partnerships comprising the local authority and other public agencies such as local enterprise companies, local health boards, the voluntary and private sector and as well as representatives from the communities themselves. They are intended to support additional activity to deliver local solutions in deprived areas and for particular groups facing disadvantage.

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<sup>71</sup> See [www.wlga.gov.uk](http://www.wlga.gov.uk)

<sup>72</sup> Available at: <http://www.nihe.gov.uk/publications/reports/#10> (25.09.2003)

<sup>73</sup> NFPUK0223

The second function of Communities Scotland is empowering people, ensuring that disadvantaged groups, including those from ethnic minorities, are included in service development. Its third function is to improve the effectiveness in investment in regeneration and housing (i.e. best value role). In carrying out its investment, performance and planning roles the agency aims to improve not only efficiency but also to promote integration. Communities Scotland manages a range of 'social justice programmes' that focus on the prevention of exclusion and the promotion of inclusion amongst disadvantaged groups in Scotland.

In compliance with the Race Relations (Amendment) Act 2000, Communities Scotland has to ensuring that both its functions and policies are relevant to the general duty to promote race equality (see chapter three). While the Scottish Executive has published an 'overarching' race equality scheme<sup>74</sup>, covering the general and cross-cutting issues common within most of the Executive, Communities Scotland has developed its own scheme assessing the impact of its functions and policies on race equality.

The Race Equality Scheme was issued in March 2001. Regional Action Plans were also created, setting out detailed plans for implementing the overall Race Equality Action Plan (2001-04). These plans outline a strategy to consult and involve ethnic minority communities in the development, implementation and review of services and practice. Consultation with ethnic minority communities takes place on a number of levels:

- directly with the community itself by providing open days, conferences and seminars to inform the community of our work. This will involve more targeted dissemination of our literature in appropriate languages and forms;
- through organisations representing ethnic minority communities.

## **6.2 Strategies, initiatives and examples of good practices to support diversity in housing**

### **HomePoint<sup>75</sup>**

For ethnic minority communities, particular consideration needs to be given to language and to cultural needs. HomePoint, part of Communities Scotland's Regeneration Division, has published the Scottish National Standards and Good Practice for Housing Information and Advice Services<sup>76</sup>, which require that access to services does not disadvantage users whose first language is not English. HomePoint helps services to adopt good practice by setting up access to interpreters in appropriate languages. It is essential to ensure that information about housing providers is readily available and HomePoint will work with appropriate agencies to improve general understanding of the role of registered social landlords and the services they provide. HomePoint is also establishing an on-line database of information about housing options in Scotland, which will be available in a range of languages. The database uses software that allows translations to be downloaded and edited to encourage

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<sup>74</sup> Available at: <http://www.scotland.gov.uk/library5/society/wtre-00.asp> (26.09.2003)

<sup>75</sup> <http://www.scot-homes.gov.uk/research/homepoint.html>

<sup>76</sup> Available at: <http://www.scot-homes.gov.uk/cgi-bin/displaypubs.pl?&168> (29.09.2003)

housing providers and advisers to incorporate the translated material into their own publications.

### **The Traveller Law Reform Coalition**<sup>77</sup>

The Traveller Law Reform Coalition consists of all the national Traveller groups, and involves discussion and collaboration by Gypsies and Travellers and their organisations with the statutory and voluntary sectors (including representatives from the police, local authorities, education and health providers, churches, equality organisations, lawyers and planners).<sup>78</sup> The Coalition has organised numerous initiatives and conferences, and has also played a very prominent and active role in parliamentary lobbying. The Joseph Rowntree Charitable Trust has funded the technical drafting of a Traveller Law Reform Bill which was undertaken by the Traveller Law Research Unit at Cardiff Law School, part of Cardiff University, while the Traveller community was widely consulted in the drafting process and the Coalition acted as sponsors and promoters of the Bill.<sup>79</sup> The Bill was launched on 31 January 2002, and a revised version of the Bill was adopted on 10 July. The Bill calls for:

- Every local authority to provide or facilitate the provision of suitable accommodation (temporary and permanent) for Gypsies and Travellers via specific accommodation programmes.
- Protection against discrimination under an amended Race Relations Act for all Travellers that explicitly recognises discrimination against Travellers as racism.
- Enhanced Housing Corporation funding and new housing association powers for caravan site construction.
- Security of tenure on Gypsy caravan sites.
- Greater educational opportunities for Travellers.
- A code of conduct (Health, Community and Safety Code) to assist in ensuring that possible disturbances to the settled community as a result of poorly managed unauthorised encampments are kept to a minimum.
- The creation of a new body known as the Gypsy and Traveller Accommodation Commission (GTAC).

The Coalition has had considerable success in pushing the law reform agenda, and is an example of a successful and effective NGO coalition that both links different groups and pursues an effective agenda of parliamentary lobbying.

### **Innovation and Good Practice Research Database**<sup>80</sup>

This website<sup>81</sup> was launched in May 1998 to help publicise and promote work being undertaken as part of the Housing Corporation's Innovation and Good Practice

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<sup>77</sup> NFPUK0190

<sup>78</sup> NFPUK0190

<sup>79</sup> For the text of the Bill, see

<http://www.publications.parliament.uk/pa/cm200203/cmbills/102/2003102.htm> (26.08.2003).

<sup>80</sup> ACTUK70

<sup>81</sup> <http://cig.bre.co.uk/igp/new/main.jsp> (23.09.2003)

programme. It includes details covering a selection of those projects which will be of most interest to housing practitioners. The site is updated regularly. Recent projects include:

- The development of models for ethnic minorities housing needs as part of regional ethnic minority strategies and in conjunction with local authorities.
- Initiatives involving training, employment and inclusion for people from ethnic minority communities. There are also projects under way examining ways of improving the use of ethnic minority contractors.
- Asylum seekers, refugees and housing management  
Aim of study are to 1) examine the experience of RSLs in providing housing for refugees and asylum seekers; 2) the response of RSLs to the measures contained in the Asylum and Immigration Act; and 3) to document from experience, what is sustained and good practice. The final output will be a good practice guide which disseminates innovation and quality, enhances the responsiveness and range of support services, and also reviews shortcomings and pitfalls in provision. RSLs will be able to draw on the report to enhance their own practices as well as reviewing the suitability of current provision and assessing how best to meet future demand. (Oxford Brookes University)
- Oxford City Council  
The project will assess ethnic minority housing needs, audit service provision and make recommendations for good practice in the development of a ethnic minority housing strategy. Within this context, it will specifically look at the causes of homelessness among ethnic minority groups and the low-use of hostels and day centres by single homeless ethnic minority people. The project will review and develop good practice in ethnic minority housing strategies and hostel management. It will produce good practice guides for dissemination nationally through the Housing Corporation (publication expected end of 2003).

### **Housing Race Equality Toolkit<sup>82</sup>**

Developed by De Montfort University, this comprises management tools for housing organisations to conduct race equality audits and benchmark race equality performance as part of a process of continuous organisational improvement. It further provides policy guidance to develop race equality policies and strategies, carry out ethnic monitoring and implement translation strategies.

### **RaceActionNet<sup>83</sup>**

This members-only website informs practitioners and policy makers across the UK of leading methods to stop racist incidents. It provides a comprehensive and up-to-date database of materials on issues facing practitioners and policy makers tackling racial harassment and incidents in the home and neighbourhood. Information is extensive and includes tools, case examples, lessons from other members, news and updates, plus regular E-bulletins. Members share issues and suggest approaches on the site's discussion forum.

### **Social Housing Management Grant Programme (Wales)**

This will fund a 'good practice bank' for social landlords on housing issues for ethnic minorities.

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<sup>82</sup> ACTUK0069

<sup>83</sup> PUBUK0239

### **Race and Diversity Awards**

This event is organised by the Housing Corporation and the Federation of Black Housing Associations. The category 'Improving services and tackling social exclusion' seeks to recognise those housing associations that developed and implemented strategies to improve the quality of the services they provide to ethnic minorities. Many entries described initiatives meeting the needs of specific groups such as people with mental health problems or ex-offenders. Others aimed to improve the general housing management service to all tenants from ethnic minorities.

### **Race equality: a framework for review and action**<sup>84</sup>

This practical guide is aimed at independent social landlords (housing associations). It provides a framework for improvement on race equality across all aspects of the social housing business, including service delivery and employment matters. The guide looks at how to place race equality objectives at the core of business planning processes and Best Value service reviews. It provides a practical tool to examine existing practices for discrimination and to develop action plans, and it suggests outcomes that social landlords can use to judge their progress towards delivering race equality.

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<sup>84</sup> PUBUK0543

## **7. Conclusions**

Although ethnic minority groups have certain common features - for example, living in mixed residential areas, active religious beliefs, experiences of racism - they also have different needs because of different social and economic developments. They have different levels of employment, earnings, family structures and conditions and are evolving in different ways. Therefore, it is difficult to represent them as a single, unified group. The significant variations between ethnic minority groups implies that each group should be viewed as a separate research and policy grouping, whether this is within universal policies, such as social exclusion, or specifically targeted programmes. There remain persistent barriers to ethnic minority groups' full and active involvement across a range of measures. The evidence from a wide range of research projects suggests that - to improve the information base of localities and to better target policy initiatives - an awareness of diversity and difference needs to be a key focus at all stages of the policy, practice and research process.

## Annex A

### Immigration, integration and diversity policies

#### Current immigrant and minority populations

The ethnic minority population in the UK is largely a result of large scale primary immigration in the 1950s, 1960s and secondary immigration from the 1970s from the Caribbean and the Indian sub-continent (India, Pakistan and Bangladesh), with subsequent secondary family settlement migration (mainly of spouses or of those coming for marriage) continuing since then. Fifty per cent of the ethnic minority population overall was born in the UK, as was some 82 per cent of that part of the population under the age of 25 (ONS, General Household Survey 2000).

Foreign-born individuals now constitute about 9 per cent of the working age population in the UK, with nearly one-third of all working immigrants arriving in the last 10 years. Many of the newest arrivals have been immigrants from European Union (EU) countries, or from non-EU European countries. In 2000, European/White immigrants and non-White minorities made up approximately the same percentage (4.7 per cent) of the working population each.<sup>85</sup> However, given the different age structures of ethnic minorities, Indians, Pakistanis, Bangladeshis, Black Caribbeans, Black Africans and Chinese make up most of the foreign-born population at 4.6 million. The table below shows this distribution, as well as the distribution of the ethnic minority population surveyed by the 2001 Census.

#### UK Population by ethnic group<sup>86</sup>

	Percentage of total pop.	Percentage of ethnic minority pop.
White	92.1	N/A
Mixed	1.2	14.6
Asian or Asian British		
Indian	1.8	22.7
Pakistani	1.3	16.1
Bangladeshi	0.5	6.1
Other Asian	0.4	5.3
Black or Black British		
Black Caribbean	1.0	12.2
Black African	0.8	10.5

<sup>85</sup> PUBUK0004

<sup>86</sup> Data from 2001 Census, Office of National Statistics

Black Other	0.2	2.1
Chinese	0.4	5.3
Other	0.4	5.0

Between 1991 and 2001, the ethnic minority population grew significantly in the UK. Within England and Wales, the proportion of people identifying themselves as an ethnic minority jumped from 6 per cent to 9.9 per cent between 1991 and 2001. However, some of this increase can be attributed to the addition of the ‘mixed’ category of ethnicity, with which 1.2 per cent of respondents identified themselves, as well as the Irish category, with which an additional 1.2 per cent identified.

As noted above, ethnic minorities overall have a much younger age structure than do UK-born Whites. The Mixed group contains the youngest age structure, with 55 per cent under the age of 16. Bangladeshis also had a young structure, with 38 per cent aged under 16, double the proportion of the White group under 16. In contrast, Whites have the highest proportion of the population aged 65 and over (16 per cent), followed by Black Caribbeans (9 per cent), reflecting the earlier migration of the Black Caribbeans, following the Second World War. Indians and Pakistanis immigrated largely during the 1960s, and the Chinese, Bangladeshi, and Black African populations arrived in the 1980s and 1990s.

Geographically, ethnic minorities are concentrated in London, with nearly half (48 per cent) of all ethnic minorities in residence. Ethnic minorities make up 32.1 per cent of London’s overall population, and 78 per cent of Black Africans and 61 per cent of Black Caribbeans live in London. Other minorities are more dispersed; only 19 per cent of Pakistanis live in London, 21 per cent live in the West Midlands (which is second to London having 13 per cent of all ethnic minorities living there), 20 per cent in Yorkshire and the Humber, and 16 per cent in the North West.

### **Political background and commitment to diversity**

2003 is the sixth year of a Labour government, which won a second term of office in 2001 following a long period (1979-1997) of Conservative Government. The government has had a significant programme of legislative and other action to address its main priorities—the economy, education and health, and action on these priorities have had some implications for race equality issues, while at the same time meaning race equality as such has not been top of the agenda. The Race and Employment Directives from the EU, however, have required recent action to be taken.

The 1999 report of the Macpherson inquiry into the murder of Stephen Lawrence (Macpherson, 1999) provided a major impetus for action to address “institutional racism,” and prompted introduction of the Race Relations (Amendment) Act 2000. The unrest in northern English towns in 2001 underlined the importance of the drive against social exclusion and the need for community cohesion. The government has given high priority to these agendas, as evidenced by the establishment within government departments of the Social Exclusion Unit, the Community Cohesion Unit, the Strategy Unit and the Neighbourhood Renewal Unit, and the responsibilities given to these units.

The main political parties have all supported legislation against racial discrimination, although to differing extents. The extreme right wing is not such a powerful force in British politics as in other parts of Europe, but in the 2003 local elections the British National Party gained a small number of seats, increasing its share of the vote overall by 6 per cent, and winning nearly 20 per cent of the vote in those wards it contested—however the seats they contested were a very small minority. However, it managed to win a majority of council seats in Burnley, considered the BNP's stronghold, and an area of previous racial unrest. The Home Office report (Home Office, 2001) on the 2001 unrest in Northern towns notes that for the 2002 local elections, "The British National Party targeted areas in Greater Manchester and Lancashire at the June General Election and were clearly seeking to exploit tensions between the white and Asian communities" (p.16). The success of the BNP in Britain should not, however, be overstated, as they now control only 13 (out of more than 10,000) council seats across Great Britain, but its presence should also not be ignored.

The Trades Union Congress (TUC) undertakes a wide range of activities to promote race equality in the workplace and more broadly, including research, conferences, newsletters and its harassment 'hotline' it also provides detailed guidance on people's rights under the Race Relations Act, and on how to deal with discrimination. The employers' body, the Confederation of British Industry (CBI) states its position as follows:

"CBI supports the Government approach which is to promote good practice and clarify, not overhaul, existing race legislation. We continue to promote the business case for diversity and ran a series of seminars for small businesses on this subject last year. We are also undertaking research on what more can be done to promote 'positive action' by employers to recruit from ethnic minority groups in tight labour markets. The CBI supported the Race Directive, which will create common levels of protection throughout Europe and help complete the single market. We also supported the parts of the Employment Directive covering discrimination on grounds of disability and religion."<sup>87</sup>

In addition the CBI includes 'Commitment to equality and diversity' as an element under the main heading of 'Leadership and Culture' in its 'Headstart' benchmarking tool, against which employers can assess their people management performance.

### **Immigration policies**

As in the rest of Europe, the UK has an ageing population, with fertility rates below replacement levels. With no net migration, the UK population aged 16-64 would fall by about two million in the next 25 years, while the population over 65 would rise by more than three million. These changes would result in the ratio of people aged 16 to 64 relative to those aged over 65 (also known as the 'support ratio') falling from a current level of more than four to less than three by 2050, signalling significant implications for both the continuation of the current labour market, as well as the financing, provision, and staffing of health, social service and pension systems (Glover *et al*, 2001).

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<sup>87</sup> CBI Issue Statement on 'Race Relations Act/Race Equality EC,' updated 19.4.2002

Additionally, research by Glover et. al. noted that skills shortages in certain sectors had resulted in sectoral concentrations of migrants, for example in health, education, IT, and agricultural labour. Although there were a number of reasons for these concentrations, overall filling these gaps had resulted in a net economic benefit to the UK through reducing inflationary pressures and increasing the efficiency of firms. Their research also noted that sectoral migration should be considered an option for dealing with future labour market shortages, both in regard to high- and low-skilled labour.

The government's White Paper on immigration policy *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* was presented in February 2002. In November 2002 the 'Nationality, Immigration and Asylum Act' received assent, signalling the Government's decision to embark on a policy reintroducing large-scale primary migration. The NIA Act refocused immigration policy to address perceived gaps in the labour market by increasing the number of work permits issued under existing criteria and creating more flexible migration schemes. These policies, as unveiled to date, are outlined below. In addition, other policies restricting traditional methods of migration (such as switching from a temporary to a permanent category of immigration post) have also been implemented.

### **Expansion of work permits**

The work permits system, established in 1920, is employer-driven, and enables employers to bring in skilled labour provided that they can show that there is no suitable worker from the EU. From 1974-1994, approximately 15-30,000 work permits were issued each year, but since 1997 this number has risen sharply. 104,000 new work permits were granted in 2001, and 200,000 workers will be allowed to enter the country in 2003. In addition, in some shortage areas EU advertising requirements have been lifted. Most work permit holders will continue to be allowed to bring their families, and will be allowed to apply for settlement after five years. However the new low-skilled migrant category, along with certain existing temporary categories will not have any familial or settlement rights.

The proposed changes in immigration policy raise some issues, particularly concerning the government's decision to import labour to fill skills shortages, rather than providing more resources for training the existing UK population. Unemployment levels remain high within certain ethnic minority groups and the proposed changes do little to ameliorate these high rates. Expanding the population also increases pressure on overstretched state services such as education and health care. Monitoring of the impacts of the new and expanded schemes should be considered a high priority, specifically in regard to defining the positive and negative externalities of an increase in migrant workers, and evaluating the impacts and implications of the recent changes in migration policy, both for migrant populations and native UK populations.

## **Annex B**

### **Tables and Graphs**

List of tables

**Table A: Size and composition of the UK ethnic minority population**

**Table B: Regional distribution by ethnic group**

**Table C: Occupation density by ethnic group**

**Table D: Housing conditions by ethnic group**

**Graph E: Ethnic minority employment rates by region in Britain, 2000**

**Table F: Gross weekly income standardised for region of head of household and partner by ethnic group**

**Table G: Data on recorded complaints by ethnic origin**

**Table H: Type of complaint by ethnic origin**

**Table I: Colour of complainant**

**Table A: Size and composition of the UK ethnic minority population<sup>88</sup>**

<b>United Kingdom</b>	England	Wales	Scotland	Northern Ireland	UK total	UK%
<b>White</b>	<b>44679361</b>	<b>2841505</b>	<b>4960334</b>	<b>1672698</b> <sup>1</sup>	<b>54153898</b>	<b>92.12</b>
British	42747136	2786605	*	*	n/a	n/a
Scottish	*	*	4459071	*	n/a	n/a
Irish	624115	17689	49428	*	n/a	n/a
Other British	*	*	373685	*	n/a	n/a
Other White	1308110	37211	78150	*	n/a	n/a
<b>Mixed</b>	<b>643373</b>	<b>17661</b>	<b>12764</b>	<b>3319</b>	<b>677117</b>	<b>1.15</b>
White and Black						
Caribbean	231424	5996	*	*	n/a	n/a
White and Black African	76498	2413	*	*	n/a	n/a
White and Asian	184014	5001	*	*	n/a	n/a
Other Mixed	151437	4251	*	*	n/a	n/a
<b>Asian or Asian</b>						
<b>British/Scottish</b>	<b>2248289</b>	<b>25448</b>	<b>55007</b>	<b>2679</b>	<b>2331423</b>	<b>3.97</b>
Indian	1028546	8261	15037	1567	1053411	1.79
Pakistani	706539	8287	31793	666	747285	1.27
Bangladeshi	275394	5436	1981	252	283063	0.48
Other Asian	237810	3464	6196	194	247664	0.42
<b>Black or Black</b>						
<b>British/Scottish</b>	<b>1132508</b>	<b>7069</b>	<b>8025</b>	<b>1136</b>	<b>1148738</b>	<b>1.95</b>
Black Caribbean	561246	2597	1778	255	565876	0.96
Black African	475938	3727	5118	494	485277	0.83
Black Other	95324	745	1129	387	97585	0.17
<b>Chinese or other ethnic group</b>	<b>435300</b>	<b>11402</b>	<b>25881</b>	<b>5435</b>	<b>478018</b>	<b>0.81</b>
Chinese	220681	6267	16310	4145	247403	0.42
Other	214619	5135	9571	1290	230615	0.39
All ethnic minority population	4459470	61580	101677	12569	4635296	7.88
<b>All population</b>	<b>49138831</b>	<b>2903085</b>	<b>5062011</b>	<b>1685267</b>	<b>58789194</b>	<b>100</b>

<sup>1</sup> Includes 1170 people who ticked 'White Irish Traveller' box.

\* Answer category not provided as a tick-box option in this country.

<sup>88</sup> Home Office (2003) Annual Departmental Report 2002-2003, London: Home Office

**Table B: Regional distribution by ethnic group<sup>89</sup>**

Region	Ethnic Group in per cent					
	White	Black	Indian	Pakistani/ Bangladeshi	Other	Total
North East	6	0	1	1	2	5
North West	14	5	6	16	7	14
Yorks & Humber	11	4	4	18	5	10
East Midlands	9	5	10	3	4	9
West Midlands	10	11	18	18	6	10
Eastern	11	5	5	4	8	11
London	12	63	45	32	56	15
South East	17	5	9	5	9	16
South West	11	2	2	1	4	10
All	100	100	100	100	100	100

**Table C: Occupation density by ethnic group<sup>90</sup>**

Difference from Bedroom Standard*	Ethnic Group %					
	White	Black	Indian	Pakistani/ Bangladeshi	Other	Total
1 or more below	2	9	7	23	9	2
Equal	26	48	36	38	43	27
1 above	37	29	32	25	29	37
2 or more above	35	14	25	14	19	
All	100	100	100	100	100	100

\* 'Bedroom Standard' is used as an indicator of occupation density. A standard number of bedrooms is allocated to each household in accordance with its age/sex/marital status composition and the relationship of the members to one another.

<sup>89</sup> Office of the Deputy Prime Minister (undated) Survey of English Housing 2000/2001, available at: [http://www.odpm.gov.uk/stellent/groups/odpm\\_control/documents/contentservertemplate/odpm\\_index\\_hcst?n=1469&l=3](http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index_hcst?n=1469&l=3) (15.08.2003)

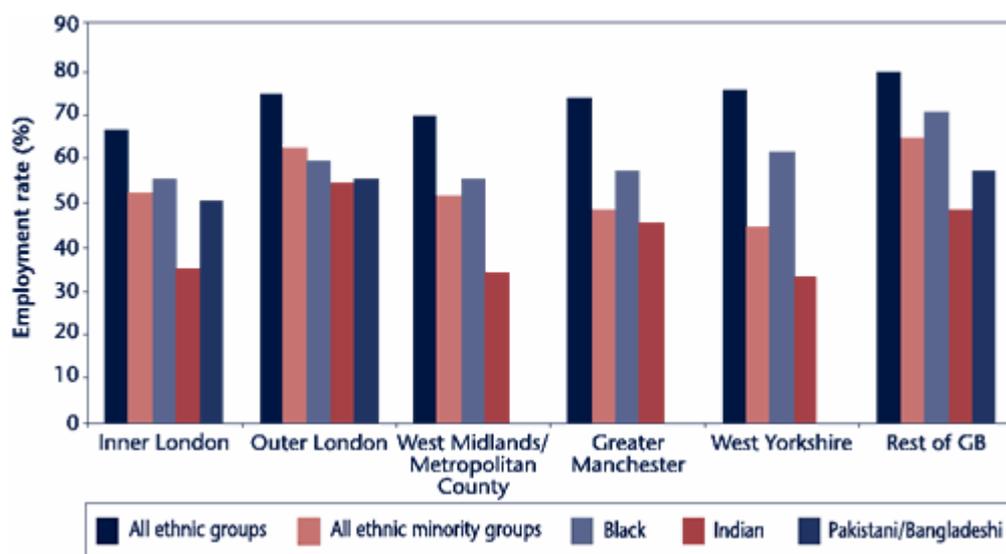
<sup>90</sup> Office of the Deputy Prime Minister (undated) Survey of English Housing 2000/2001, available at: [http://www.odpm.gov.uk/stellent/groups/odpm\\_control/documents/contentservertemplate/odpm\\_index\\_hcst?n=1469&l=3](http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index_hcst?n=1469&l=3) (15.08.2003)

**Table D: Housing conditions by ethnic group<sup>91</sup>**

House Conditions	Ethnic Group in per cent*				
	White	Black	Indian	Pakistani/ Bangladeshi	Other
<b>In Poor Housing</b>	13.7	22.9	18.6	34.8	24.1
<b>In Poor Living Conditions</b>	6.0	17.6	11.9	29.8	20.1

\* Percentage of all households

**Graph E: Ethnic minority employment rates by region in Britain, 2000<sup>92</sup>**



Source: Labour Force Survey, Autumn 2000

Note: Data is excluded where sample sizes are too small to be accurate. For the same reason, it is not possible to present specific disaggregated figures for Scotland and Wales.

<sup>91</sup> Office of the Deputy Prime Minister (undated) Survey of English Housing 2000/2001, available at: [http://www.odpm.gov.uk/stellent/groups/odpm\\_control/documents/contentservertemplate/odpm\\_index\\_hest?n=1469&l=3](http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index_hest?n=1469&l=3) (15.08.2003)

<sup>92</sup> Department for Work and Pensions (2003) Migrants in the UK: A descriptive analysis of their characteristics and labour market performance, based on the Labour Force Survey, London: DWP.

**Table F: Gross weekly income standardised for region of head of household and partner by ethnic group<sup>93</sup>**

Gross weekly income	Ethnic group in per cent					
	White	Black	Indian	Pakistani/ Bangladeshi	Other	Total
Under £100	6	7	3	11	13	6
£100, under £200	22	24	20	26	20	22
£200, under £300	16	21	19	28	17	17
£300, under £400	12	17	13	16	9	12
£400, under £500	10	12	9	8	9	10
£500, under £600	8	7	12	2	5	8
£600, under £700	6	3	6	1	4	6
£700 and above	19	9	18	7	23	18
<b>All</b>	100	100	100	100	100	100

Source: 2000/01 & 2001/02 Family Resources Survey

<sup>93</sup> Department for Work and Pensions (undated) Family Resources Survey 2000/01 and 2001/2002; available at: <http://www.dwp.gov.uk/asd/frs/index/publications.asp> (15.08.2003)

**Table G: Data on recorded complaints by ethnic origin<sup>94</sup>**

<b>ETHNIC ORIGIN</b>	<b>This year % of total</b>	<b>Last year % of total</b>	<b>Equivalent CORE%</b>
African	3.7	2.8	2.0
Asian	4.1	3.6	3.3
British/European	77.9	78.3	86.1
Caribbean	5.1	6.4	2.9
Irish	2.6	2.0	1.1
Other	6.6	6.9	2.3

**Table H: Type of complaint by ethnic origin<sup>95</sup>**

<b>BY ETHNIC ORIGIN</b>	<b>Allocation</b>	<b>Nuisance &amp; harassment</b>	<b>Service &amp; rent charges</b>	<b>Repair</b>
African	28.5	25.0	3.5	43.0
Asian	17.5	21.0	11.5	50.0
British/European	18.0	27.0	16.5	38.5
Caribbean	22.0	34.0	7.5	36.5
Irish	13.0	33.0	13.5	40.5
Other	14.0	32.5	13.0	40.5

**Table I: Colour of complainant<sup>96</sup>**

<b>COLOUR</b>	<b>This year % of total</b>	<b>Last year % of total</b>	<b>Equivalent CORE%</b>
Black	17.8	17.2	n/a
White	76.0	74.8	n/a
Other	6.2	8.0	n/a

<sup>94</sup> Independent Housing Ombudsman (2003) Annual Report 2002, London: IHO

<sup>95</sup> Independent Housing Ombudsman (2003) Annual Report 2002, London: IHO

<sup>96</sup> Independent Housing Ombudsman (2003) Annual Report 2002, London: IHO

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