

THE NORTHERN IRELAND FEDERATION OF HOUSING ASSOCIATIONS

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Simon Hookham
Equality Commission for Northern Ireland
Equality House
7 – 9 Shaftesbury Square
Belfast
BT2 7DP

Dear Simon

**Re: Equality Commission Code of Practice - Racial Equality In The Provision Of
Housing And Accommodation**

I refer to the Commission's proposed Code of Practice for Providers as detailed above.

The Northern Ireland Federation of Housing Associations (NIFHA) represents 43 independent voluntary organisations, which benefit the community by providing affordable accommodation and related housing services to those in greatest housing need. Thirty-six of these organisations are Registered Housing Associations that receive Housing Association Grant from the Department for Social Development (DSD) and as a result of the Housing (NI) Order 2003 all but one very small association have also been designated as public authorities under section 75 of the Northern Ireland Act 1998.

Taken together, our members manage almost 30,000 units of accommodation which equates to one quarter of social housing in Northern Ireland. As the primary developers of new social housing they also build around 1500 properties each year. In the last twenty-five years these associations have undertaken a range of projects to respond to the needs of a diverse and changing society. This pro-active approach to service provision is continuing, as is our commitment to working for the benefit of the whole community.

NIFHA welcomes the opportunity to contribute to this consultative process as accommodation provision is at the heart of our members' business. Moreover, we are very pleased to see the work of our member associations detailed in a number of the practical examples given throughout the document. We also find the layout to be generally good and the inclusion of references and examples useful, however we are concerned that some of the examples are misleading as they could give the impression that housing associations do not adhere to high standards of public service provision. Unfortunately, people have a tendency to skim through documents and even with caveats like that mentioned above will be inclined to make assumptions based on the examples given. For this reason great care needs to be taken when creating possible scenarios to describe poor or discriminatory practice.

Overall NIFHA and its members support the stated purpose of this Code of Practice however, in responding to the consultation document the Federation would like to highlight the following specific issues:

1. **Point 1.7** We recommend that housing associations are listed as bodies involved in housing and accommodation.
2. **Point 1.33** It may be helpful to explain that the term “premises” covers temporary accommodation like hostels as well as other types of tenancy.
3. We believe it is important to clearly state at **Point 1.41** that the examples used are fictitious and should not be seen as representative of any particular organisation.
4. **Example 2** is not reflective of Housing Association practice as all potential tenants apply for housing through the Housing Selection Scheme which is operated by the Northern Ireland Housing Executive (NIHE). It is also a poor example as associations are actually leading providers for travellers and it is unlikely that any association would ask for such evidence as it would cause problems in housing a range of individuals who might be homeless.
5. In **Point 2.26** we note **Example 7** on harassment involves the actions of a contractor rather than a member of staff and are concerned that the Equality Commission (ECNI) appears to be suggesting that housing providers not only have responsibilities as a result of Third Party liability but also training responsibilities in relation to contractors. We are particularly concerned that this interpretation would have major cost implications for associations and could be especially onerous for smaller organisations.
6. We appreciate that it is difficult to develop useful examples but feel that **Example 22** may be unrealistic as it is likely that a landlord with this type of attitude probably would not have taken a black tenant in the first place. It would also be very difficult to determine the exact reason for non-provision of a reference.
7. **Example 24** presents a scenario as a means of achieving a legitimate aim, but in reality neither the NIHE nor any registered housing association could do this without the approval of the Department for Social Development as this type of measure would be deemed to require a “Local Lettings Policy”. Therefore, it would be sensible to make it clear that the organisation is not a social housing provider. (**Point 6.55** and **Example 42** also deal with the same issue and would be unlikely to receive Departmental support as all social housing allocations must be determined on a needs basis).
8. **Points 4.22 - 4.24** recommend a Racial Equality Strategy and Action Plan for housing. Whilst we accept and are supportive of the principle that commitments laid down in writing are more likely to be undertaken we have concerns that there seems to be increasing bureaucracy around the equality duties. In addition, **Point 4.24** is not entirely clear about whether drawing up a Racial Equality Strategy is a “must do” or simply recommended good practice. This should be clarified.

Perhaps more importantly we consider that designated bodies are already required to develop appropriate policies in relation to race as part of their Statutory Duties under Section 75 (s75) and this additional requirement appears to be an unnecessarily cumbersome way of achieving that end. Moreover, we believe that a move to develop separate strategies for each of the nine groups (as in the case of Disability) would only serve to diminish the weight of Section 75 and may also dissipate scarce resources (both human and financial) by duplicating work that is already being done on a more comprehensive basis. It is important not to dilute s75 by focusing either on bureaucratic processes or individual equality categories.

9. **Point 4.42** As mentioned previously the recommendation that housing providers should take responsibility for training a range of service suppliers does not appear to take account of the ability to fund this additional training requirement or indeed recognise the liability of the third party organisation. It would be difficult for our members to reconcile these increased responsibilities with the operational environment in which they work e.g. the range of providers/contractors they work with, the budgetary constraints they face and the ongoing demands for efficiencies that are placed upon them. If such obligations are to be placed on housing providers we recommend that this must be managed in a realistic and reasonable manner.
10. **Point 4.52** strongly recommends that registered housing associations carry out ethnic monitoring of their services, however the Federation's members are not in a position to collect this type of information until after an allocation has been made. Use of the Housing Selection Scheme means that the NIHE collect all applicant information therefore it may be more difficult for our members to determine whether there is discrimination or barriers related to some aspects of the process. Having said that the designated associations have already undertaken an Equality Impact Assessment on Access & Communications so these issues have been reviewed.

The Federation recommends regular provision of aggregated data to landlords participating in the Common Selection Scheme as a means of addressing this problem.

11. In **Points 4.55 & 4.56** the Code states that social housing landlords should introduce ethnic monitoring arrangements in relation to anti-social behaviour and consider the same in relation to repairs and maintenance. Although we fully accept and are supportive of the need to ensure that apparent cases of anti-social behaviour are not actually racially motivated incidents, this proposal does raise some concerns.

Firstly, we wonder why only social landlords have this obligation placed upon them. Secondly, this has the potential to be a significant data capture exercise and many housing associations would have neither the resources nor appropriately qualified staff to undertake this process. Thirdly, housing providers may not be able to collect accurate monitoring information on individuals who are not their tenants, especially if that person is the perpetrator rather than the victim. Finally, whilst our members operate Anti-Social Behaviour policies they do not have authority to issue Anti-Social Behaviour Orders so it is possible that an association may not always know if an Order has been issued against one of their tenants.

12. The Federation supports the ECNI proposal in **Point 4.57** that the NIHE collect ethnic records in relation to grant provision and recommends that aggregated data be shared with other providers as appropriate e.g. FOLD's Staying Put service.
13. While the suggestions at **Point 4.68** on communicating the need to monitor are helpful we believe that the ECNI could take a more over-arching approach by promoting the benefits of monitoring. This would support the work done in the individual organisation and should also help reduce mistrust.
14. Although this Code is specifically about housing and the regional housing authority, the NIHE, is commonly known as "the Executive" in housing circles, we recommend using the abbreviation NIHE in the Code to avoid any confusion with the Executive at Stormont.
15. **Point 5.2** makes reference to the NIHE's planning responsibilities. We suggest that this issue is not the responsibility of one body and that the work of others such as the Planning Service will impact on success in this area. In our view planning is a major concern as the process is generally protracted and cannot quickly adjust to a change in needs or to a fluctuating population. The end result is that necessary services are often not there for people to access when an unanticipated need suddenly arises. We recommend that inward migration is factored into growth planning to ensure that appropriate accommodation services are available. In addition, as housing associations are now the main developers and deliverers of new social housing we consider that they may need to be involved in the process.
16. **Points 5.17 & 5.18** recommend that accommodation should cater for minority ethnic communities in terms of location, size, type, design etc. Whilst, our members would be supportive of this view and indeed have put it into practice (e.g. BIH at Hong Ling Gardens or FOLD, North & West and Clanmil for the Traveller community) this may not always be possible if the government does not provide the necessary resources to achieve this aim. Housing Association schemes receive funding on the basis of "Total Cost Indicator" figures and the standard sums allowed by DSD may mean that the costs of a proposed scheme do not stack up. Financial input from BIH was necessary to enable the Chinese Elders scheme to go ahead.

Furthermore, care needs to be taken that addressing needs in this manner is not seen as reverse discrimination i.e. that certain communities/cultural groups are entitled to better design standards than others, for example greater living space or lower property density. This issue could become more divisive in the future as it is likely that there will be increasing pressure to produce high-density developments.

We would also like to record that the Federation's members have extensive experience in this area of service provision and their knowledge in this area is a valuable resource to others developing similar services. It is appropriate that such work by housing associations is documented in the Good Practice examples used.

17. **Point 5.40** We suggest that the wording of this point may need to be adjusted to avoid giving the impression that solutions proposed by any particular community (minority ethnic or otherwise) will automatically be implemented as this may not always be practical e.g. due to construction or financial constraints. Expectations could be better managed and frustration or disappointment avoided by language such as "consult and pay regard to the solutions obtained from ..."

18. We believe that it would better reflect actual practice to insert the word “private” before landlord in the first sentence of **Point 6.8** as social housing providers use the Housing Selection Scheme to make allocations and offers are then made to those with most points (i.e. deemed to be in greatest need).
19. The example used for **Point 6.18** is highly unlikely in the case of social housing providers. As stated in comment 7, such actions would require the approval of the DSD for a “Local Lettings Policy”. This particular quota would certainly be contrary to Departmental housing priorities, so support would not be given.
20. **Point 6.25** seems somewhat contradictory
21. **Example 41** also has little validity because of the use of the Housing Selection Scheme so both applicants would be assessed and allocated points on the basis of their need – usually the homeless person will have greater priority.
- More importantly, there is only one housing association based in the Derry area and there is great potential for this example to be misconstrued as referring to that organisation – in fact this example could almost be seen as indirectly discriminatory towards North & West Housing Association.
22. **Point 7.12** refers to the use of information sheets with explanatory diagrams in relation to repairs. The Federation welcomes this suggestion, however we believe that this material should be formulated on a joint basis rather than individually so that there is consistency across the various housing providers and to maximise the benefit for service users. Alternatively, there may be similar resources in existence that could be adapted for use by accommodation providers in Northern Ireland.
23. On the topic of cultural sensitivity as mentioned in **Point 7.15** we acknowledge the validity of the issues raised, however the need to make adjustments to facilitate cultural differences could come into conflict with performance targets set for housing associations in relation to repairs response times – this would need to be addressed with the DSD’s regulation and inspection unit.

In addition, the staff numbers in some very small associations may not allow for a female to be present. We accept these comments in no way diminish the need for alternative arrangements; rather they are intended to highlight some practical considerations.

On a general point it was disconcerting to notice that the term housing association featured in a number of examples of poor practice yet none referred to services provided by a statutory body, even though both types of organisation have to adhere to similar standards and in each there may be potential for individual staff to apply unwritten policies/procedures. We believe this lack of balance presents a negative image of the housing association movement. As mentioned earlier we are of the opinion that practical scenarios are a useful tool, however NIFHA strongly urges the Equality Commission to take an objective view of all the examples used in this document and to adjust the current format to address this concern before preparing the final published version of the Code of Practice.

Finally, a more widespread concern for housing associations is the resource issue, as the Federation's members rarely receive additional funding for new initiatives or requirements. We accept that many of the recommendations made in this consultation document will not incur additional financial input or will fall within associations' existing responsibilities; however, there are some suggestions that merit extra resources.

On behalf of our members I am pleased to be able to contribute to this process and hope you will find these comments helpful. If you have any queries about any of the points raised or require further information about the Federation and its members please do not hesitate to contact me.

Yours sincerely

Lucinda McMurrin

LUCINDA McMURRAN
Corporate Services Manager