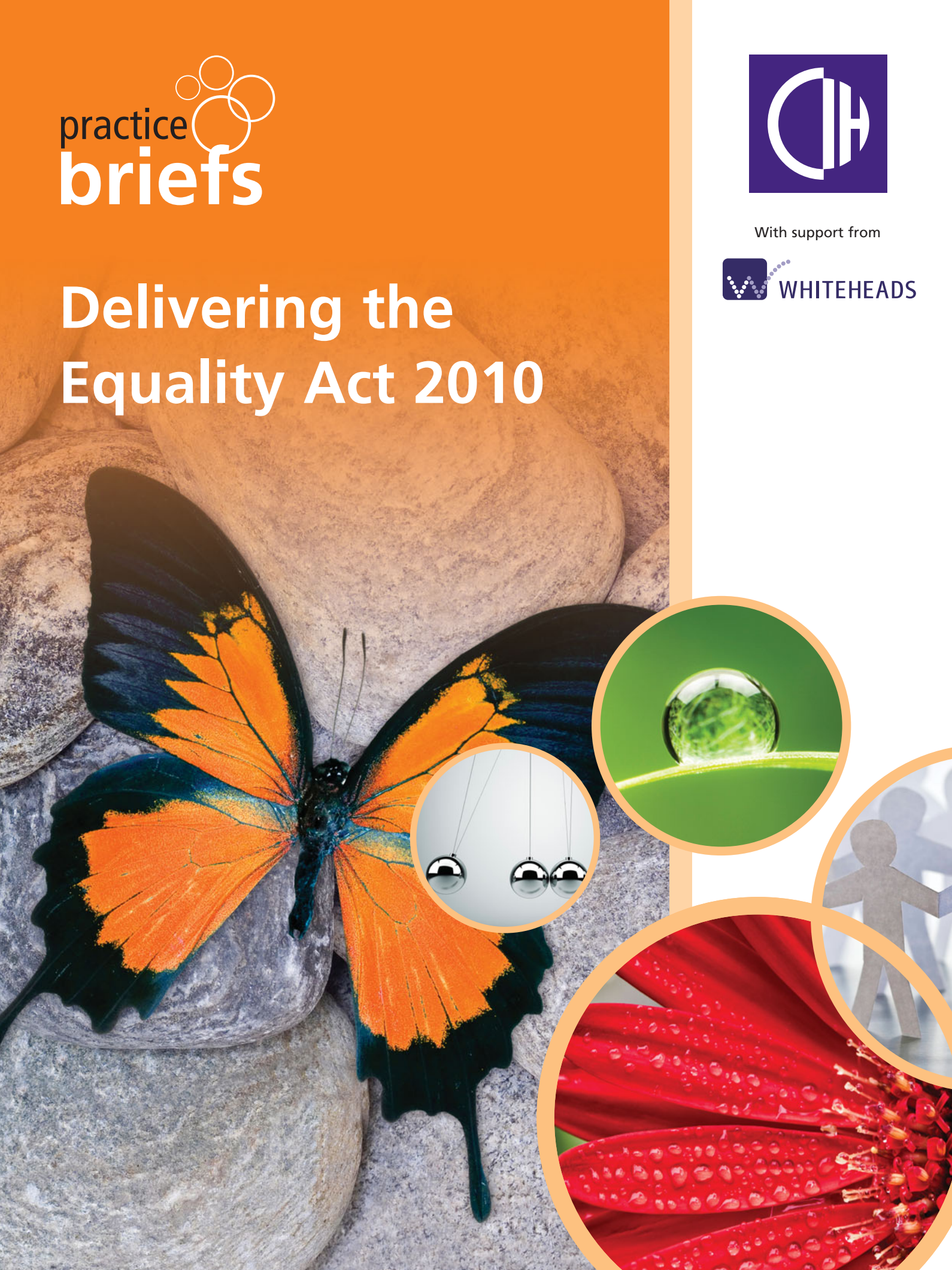


# Delivering the Equality Act 2010



With support from



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Additional practice examples for Scotland and Wales can be seen in the following publications: Clarke, N (2009) *Practice Briefing: equality, diversity and housing*, Edinburgh, CIH Scotland; and Hiscocks, V (2009) *Equality and Diversity: understanding policy, promoting good practice*, Cardiff, CIH Cymru.



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## Foreword



The UK is becoming an increasingly diverse place to live and work; and our understanding of equality and diversity continues to develop. For most people diversity is seen as a great national asset: fundamental to

building a strong economy in which individuals from diverse backgrounds and with diverse identities have an equal opportunity to flourish and maximise their talents. Providing goods and delivering services which are responsive to the diverse needs of different individuals also contributes to a fair, cohesive and prosperous society.

Equality and diversity are pivotal to housing and communities. Housing directly influences an individual's access to critical opportunities such as education and employment; it affects an individual's health and sense of wellbeing; and it influences access to wider social and economic opportunities within communities. Housing providers have a key role to play in building strong and cohesive communities. They are influential, long-term stakeholders in the communities which they serve; they facilitate daily interactions with customers in their diversity; and the homes which they provide represent a valuable social asset for future generations.

Despite the growing diversity of the UK, many challenges still remain. Historically some groups of people with particular characteristics such as age, disability, sex and gender identity, race or ethnicity, religious or other beliefs, different family or partnership arrangements, or people with lesbian, gay, or bisexual identities, have experienced disadvantage and discrimination. Debates are still to be had about multiculturalism, immigration and national identity in the different countries which make up the UK. Proposals to reform the social housing system will give local authorities and housing associations greater

flexibility so that they can make best use of their stock to meet the changing needs of their communities. Changes to the regulatory and inspection framework and a more reactive approach to consumer protection will present housing providers with new responsibilities to involve and engage with their customers in their diversity. Cuts to public spending could have negative equality impacts for different groups across different parts of the UK. Housing organisations will need to assess the equality impacts of these far-reaching changes, both in the shorter and longer terms.

CIH aims to be an organisation in which everybody can participate, regardless of age, disability, gender or gender identity, religion or other beliefs, race, sexual orientation, social background or family or care responsibilities. In 2011 CIH launched a new Single Equality Scheme which aims to demonstrate achievements to date and will outline how CIH will integrate equality and diversity into all that it does. This new **practice brief** on *Delivering the Equality Act 2010* which has been produced with the support of Whiteheads Solicitors is a key tool which will enable housing providers to embed the principles of equality and diversity in their working practices; and provide more diverse and representative services to customers. It will explain how the Equality Act 2010 aims to strengthen the law relating to discrimination and inequality and it will illustrate practice from across the sector where housing providers are working to deliver a more equal and diverse housing service.

I hope that you will find this **practice brief** an invaluable tool as you work with governing bodies, staff, tenants and residents, partners and suppliers to develop more equal and diverse housing services.

**Paul Lloyd**  
Whiteheads Solicitors

# 1. Delivering a more equal and diverse housing service in changing times

## The changing equality and diversity context for housing

This **practice brief** will look at how housing providers can deliver more equal and diverse services to different customers. It will illustrate how landlords are responding to provisions contained in the Equality Act 2010.

The Equality Act 2010 received Royal Assent in April 2010. The Act brings together nine separate items of existing anti-discrimination laws within a single Act. It aims to simplify and strengthen the law relating to discrimination and inequality. In general, the Equality Act 2010 applies to England, Wales and Scotland.

This **practice brief** will also address the many changes to the operating environment which the housing sector has seen since the 2010 UK General Election. In addition to the Equality Act 2010, these changes have affected the way in which equality and diversity is being progressed by the sector. These changes include:

- **Coalition government:** the social and political vision of the coalition government emphasises individual and community empowerment, greater transparency and choice. This will lead to greater responsibilities on the part of landlords to provide representative services and offer greater accountability.
- **Localism Act 2011:** the Localism Act 2011 will give local authorities and housing associations greater flexibility to make best use of their housing to meet the changing needs of their communities. This will present challenges in terms of ensuring equal outcomes for tenants and communities.
- **Changes to regulation and inspection:** in October 2010 the government published a review of social housing regulation. It recommended that

the current regulator, the Tenant Services Authority (TSA) be abolished and its regulatory functions transferred to the Homes and Communities Agency (HCA). These changes will come into effect from April 2012. The primary focus of the HCA will be on economic regulation. The HCA will adopt a more reactive approach to consumer protection and so there will be a need for landlords to develop robust governance, accountability and scrutiny arrangements to ensure services continue to meet the needs and requirements of tenants in their diversity. In addition, there is a challenge to the sector to continue to capture and disseminate best practice generated previously by the Audit Commission Inspection regime, KLOEs and codes of practice.

## Diversity in the UK

The UK is an increasingly diverse and tolerant place to live. For example:

- There is greater tolerance for diversity at a local level: in 2010 85 per cent of respondents to the Citizenship Survey agreed that people from different backgrounds in their local area get on well together.<sup>1</sup>
- Research for the EHRC in 2009 found that 81 per cent of people questioned thought human rights were important for creating a fairer society.<sup>2</sup>
- 81 per cent of adults in England and Wales had meaningful interactions at least once a month with someone from a different ethnic or religious background.<sup>3</sup>
- Just 40 years after the decriminalisation of male homosexual acts, research found 78 per cent of people would feel comfortable or neutral if their GP was gay.<sup>4</sup>

1 DCLG (2010) *Citizenship Survey: 2009/10 (April 2009 – March 2010)*, England Cohesion Research Statistical Release 12

2 EHRC (2009) *Human Rights Inquiry*, London, EHRC

3 DCLG (2009) *Citizenship Survey 2008/09: community cohesion topic report*, London, DCLG

4 Cowan, K (2007) *Living Together: British attitudes to lesbian and gay people*, London, Stonewall

Housing providers play a key role in promoting equality and diversity in their homes and communities:

- **Housing customers are diverse:** recognising and responding to diversity is key to delivering a good customer service.
- **The communities in which social housing providers operate are diverse:** as landlords, housing providers can exercise an influential role challenging prejudice and combating discrimination against individuals and groups with protected characteristics in communities.
- **Housing providers are community anchors:** they have an influential and long-term stake in the local communities which they serve and can foster good relations between different groups.

### Finding out more about the diversity of the UK

The following two documents provide an overview of equality and diversity issues in the UK.

EHRC (2010) *How Fair is Britain? Equality, human rights and good relations in 2010: the first triennial review*, London, EHRC

[www.equalityhumanrights.com/uploaded\\_files/triennial\\_review/how\\_fair\\_is\\_britain\\_-\\_complete\\_report.pdf](http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_complete_report.pdf)

Government's equality strategy (Versions of this strategy are available in Welsh (Cymraeg), Large print and easy read)

[www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary](http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary)

### Finding out more

You can find out more about proposals to change the regulatory framework for housing by visiting:

DCLG (2010) *Review of Social Housing Regulation*, London, DCLG

[www.communities.gov.uk/documents/housing/pdf/1742903.pdf](http://www.communities.gov.uk/documents/housing/pdf/1742903.pdf)

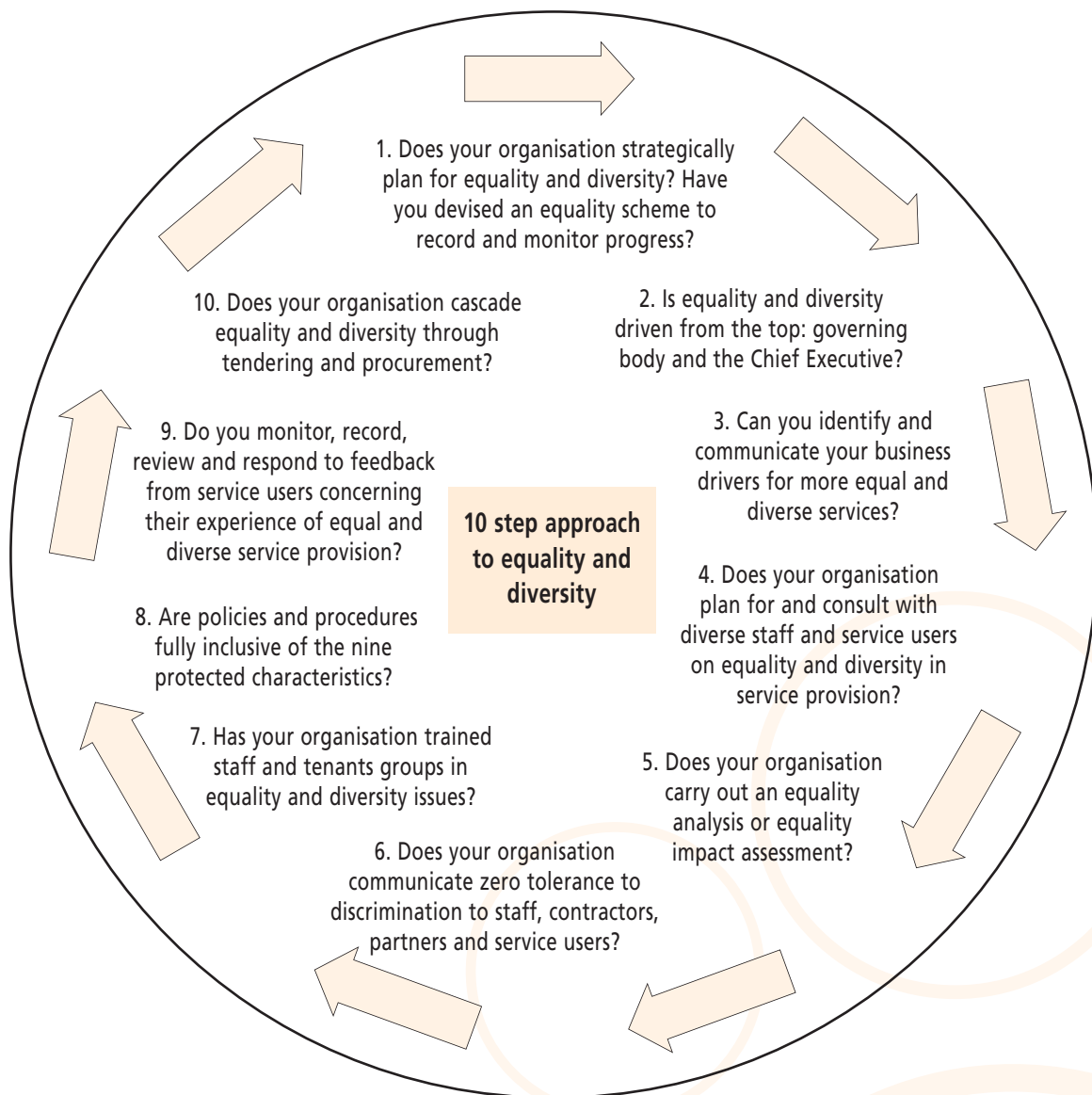
### Delivering a more equal and diverse housing service

In the context of the many changes affecting the housing sector, there are a number of key steps landlords can take to deliver a more equal and diverse housing service. This section will highlight these steps.

#### 1. Strategically plan for diversity

Developing an organisation that is positive and proactive towards equality and diversity is not a random process. It must be strategically driven. The following diagram shows the different steps a housing organisation can take to develop an organisational culture that is positive about equality and diversity.





## 2. Equality analysis and equality impact assessments

Decision making and activities in a housing organisation will affect different groups of people in different ways. Sometimes this might lead to unintended consequences for specific groups. Equality analysis is a way of considering the effect on different groups. An equality impact assessment is a tool which organisations use to think about their decision making and action planning processes in a more structured way.

Effective equality analysis contains the following elements:

- integrates with mainstream organisational policy development
- focuses on equality goals and identifies necessary actions
- is supported by training and professional development opportunities
- records analyses and outcomes
- engages with service users in their diversity
- is monitored
- is regularly reviewed.

## When conducting an equality analysis, the following approach can be taken:

### Stage 1: evaluating the need to conduct an equality analysis: impact and risk

- Is what you are working on sufficiently important for the organisation and for customers that an equality analysis needs to be conducted? If you are working on a major corporate project, or something that you know will be strategically important for the organisation, a default position should be to assume that an equality analysis will be required.
- Equality and diversity considerations apply more to some activities than others, but if you are looking at any form of service delivery, equality issues should be considered.
- How extensive is the anticipated impact of what you are working on likely to be on your current and prospective customers?
- Engage with diverse service users and community advocates if you lack knowledge or capacity to do this yourself.

### Stage 2: deciding to conduct an equality analysis

- There is no fixed way of conducting an equality analysis and how you go about it will depend upon the nature of your particular project.
- Make an initial informal assessment.
- Collect additional data if necessary: e.g. census data, official information held by government agencies or research conducted by other organisations.
- Information generated or collected outside a housing service can be used to supplement what you already know about specific needs of diverse tenants. For example, the Office for National Statistics (ONS) contains lots of data on access to services, community wellbeing, crime and safety, education, skills and training, health and care, indices of deprivation, income and lifestyles, population and migration, work deprivation – [www.neighbourhood.statistics.gov.uk](http://www.neighbourhood.statistics.gov.uk)
- If your project requires additional information and research, you will need to decide on the appropriate form of data you need. This might be quantitative (e.g. through a survey), qualitative (e.g. through a focus group or liaison with diverse community advocates) or both.

### Stage 3: evaluating the outcome

There are three elements to this:

- Data may suggest that your project or proposal will have no impact on different customers in their diversity: you can call an end to your assessment.
- Data shows that there will be a positive impact on diverse customers.
- Your assessment might confirm that your project or proposal will indeed have the adverse impact that you were concerned about. In this case you must consider what action, if any, you should take to mitigate the adverse impact.

### Stage 4: acting, reporting and transparency

- Take appropriate action, remedial action or decide not to act on the basis of your findings in stage 3.
- Be transparent with your findings with management, governing body and current and prospective customers.



### Finding out more



The EHRC has produced guidance for public bodies on conducting an equality analysis. This guide offers a practical explanation of what can be done to ensure authorities are meeting the equality duty contained in the Equality Act 2010.

[www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/equality\\_analysis\\_guidance.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/equality_analysis_guidance.pdf)

### 3. Monitoring and customer insight

Monitoring and the subsequent development of customer insight information is a key way of identifying and responding to the needs of customers in their diversity. To do this correctly, however, a number of stages are crucial:

- **Be clear about your aims:** why do you want to know equality and diversity information about your customers? What are your service improvement objectives?
- **Prepare the ground work:** do staff and tenants understand why you are collecting information about equality and diversity? Preparatory information and or training should be given to explain why this information is important for delivering better services. You may need assistance from community advocates to help you build trust with diverse customers.
- **Ask the right questions:** questions you ask to determine the diverse profile of your internal and external customers should be proportionate, relevant and phrased in a sensitive way. Asking questions which customers perceive to be personal or intrusive with little clear rationale can seriously damage response rates. You may need assistance from community advocates to help you

phrase the right questions and to build trust in diverse communities.

- **Be transparent:** customers and staff need to fully understand how the information you ask from them will be used and how this information has been used to improve services.
- **Obtain consent:** customers must consent for the data to be used for the purposes for which it is collected.
- **Monitor, review and respond:** monitoring is an on-going process and must be reviewed to ensure actions are current and responsive.
- **Confidentiality:** ensure that all equality and diversity data about customers is treated in the strictest confidence, used appropriately and for the purposes for which it was collected.



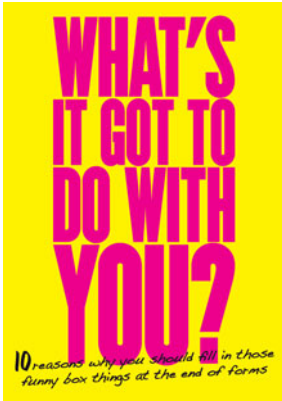
### Practice example

#### Cestria recognising diversity and valuing differences

Cestria is a housing association which has recently launched a targeted 'getting to know you' customer profiling project with the aim of removing barriers and delivering tailored services to diverse customers. A range of approaches were employed including a postal survey, comprehensive staff training in approaching equality issues sensitively; and a customer care visit template was devised for front-line staff updating information on tenants. Results have included not just identifying but being proactive when producing information in different formats, engaging with young people through new media including Facebook, Youtube and Twitter; and the provision of accessibility options at offices and on-line for customers who have identified that they have disabilities.

**Contact:** Arshia Bhatti: Corporate Services Officer  
[arshiabhatti@cestria.org](mailto:arshiabhatti@cestria.org)

### Finding out more



#### Preparing staff and customers for monitoring

Stonewall have produced a plain language guide to collecting sensitive information called *What's it got to do with you?*

The guide explains why a range of data such as age, gender, sexual orientation and belief may now be requested by employers and service providers, and what the benefits are. This guide makes the case for monitoring across all equality strands.

[www.stonewall.org.uk](http://www.stonewall.org.uk)

#### 4. An enhanced role for tenants and service users

Government has recognised the key role tenants, and service users can play in ensuring that landlords deliver quality and appropriate services. Landlords should be able to demonstrate that the services they provide are customer-driven and accountable to tenants. The involvement of staff and service users in their diversity is vital if a housing organisation is going to foster a culture which is genuinely open to equality and diversity and which is able to learn from both internal and external customers about their differing needs.

In England, the development of local offers, robust tenant scrutiny, local tenant panels and effective engagement all provide opportunities for tenants and service users to shape services at a local level.



### Practice example

#### Newydd Housing Association: Equality Powered Performance

Newydd Housing Association has been developing tenant led self regulation for the past decade. As part of this process, tenants have identified performance indicators to assess the equality of the principal housing and maintenance services. The Equality Powered Performance project allows tenants to highlight which areas of service and equality really matter to them, and enables them to identify areas for improvement through the production of key performance indicators entirely chosen by tenants from the equality strands affected. Newydd Housing Associations equality and disability sub group (NEADS) established an working group which met with partner organisations to raise awareness about the project. During this process the group obtained a tenant empowerment grant and were able to employ Tai Pawb and HouseMark to provide expert and impartial support. It is anticipated that the on-going monitoring and scrutiny of these areas will then lead to improvements in the service for tenants across Newydd's stock based on performance information that tenants really care about.

**Contact:** Keiron Montague, Community Partnership Manager  
[keiron.montague@newydd.co.uk](mailto:keiron.montague@newydd.co.uk)

## 5. Equality frameworks

There are a number of equality frameworks which can enable housing providers to improve service delivery and employment practices by mainstreaming equality and diversity. These include:

**The Social Housing Equality Framework (SHEF):** this is a performance and improvement tool to help self-regulate diversity and equality practice. It was originally developed for arms length management organisations (ALMOs) but has now been extended to cover different housing providers: [www.idea.gov.uk/idk/core/page.do?pagelid=16953625](http://www.idea.gov.uk/idk/core/page.do?pagelid=16953625)

**Stonewall Workplace Equality Index:** this is an annual benchmarking exercise that ranks the best employers for lesbian, gay and bisexual people in Britain: [www.stonewall.org.uk](http://www.stonewall.org.uk)

**Housing Diversity Network:** following feedback from a survey of HDN's equality and diversity regional practitioner group members, HDN has committed itself to develop its own independently accredited framework as a tool for self improvement. HDN is working closely with its practitioner group members to model this new framework during the first part of 2012: [www.housingdiversitynetwork.co.uk](http://www.housingdiversitynetwork.co.uk)

### CIH Equality and Diversity Charter

In 2012 CIH will be launching a new equality and diversity charter for the housing sector. The charter will be sector owned and sector led and CIH will work with housing providers to facilitate and disseminate good practice. [www.cih.org](http://www.cih.org)

## 6. Extending equality through procurement

Some housing organisations have identified that procurement is an effective way of cascading equality and diversity across the different communities in which they work and the range of relationships which they form with different stakeholders. Utilizing a procurement protocol or policy is a way of ensuring that the contractors and partners you work with also subscribe to your proactive approach to equality and diversity.



### Practice example

#### Golden Gates Housing Procurement Guide

Golden Gates Housing Trust is a leading housing provider that manages 8864 homes in Warrington. Golden Gates Housing Trust is committed to provide equality of opportunity, eliminate discrimination, and promote good relations in its activities as a social landlord, employer, contractor, partner and purchaser. To become a contractor or supplier for Golden Gates Housing Trust, a contractor or supplier must complete a pre-qualification questionnaire which includes a section for equality and diversity. In this section, the Housing Trust is looking for evidence that they are compliant with their obligations under relevant legislation such as the Equality Act 2010 and that their commitment to equality and diversity is communicated internally and externally. The Housing Trust has produced a guidance manual to assist contractors and suppliers to adopt 'good practice' in terms of their own equal opportunities performance.

**Contact:** Sam Saxon, Procurement Manager  
[www.gght.org.uk/tenantserviceslive/documents/GGH\\_E&D\\_Procurement\\_Guide\\_2011.pdf](http://www.gght.org.uk/tenantserviceslive/documents/GGH_E&D_Procurement_Guide_2011.pdf)

## 7. Recognise that staff and customers are diverse in different ways

People are diverse in different ways. For example, individuals can be both lesbian and a member of a minority ethnic community, disabled and over 65; or transgender and hold religious or other beliefs. A recent report for the Institute of Public Policy Research (IPPR) found:

*'Britain is not only more diverse than ever before, but that diversity itself is growing more diverse. Today, inequalities are more complex and fluid*

*than they used to be, reflecting shifting interests and allegiances. For those of us interested in equality, this new situation presents some difficult challenges...The tick box approach to identity seems to be missing out on growing numbers of people who fall outside or across standard classifications.'*<sup>5</sup>

Avoid a tick-box approach to diversity and recognise that your staff and customers will be diverse in different ways.



### Practice checklist:

#### Delivering a more equal and diverse housing service in changing times

- ✓ Strategically plan for equality and diversity: consider devising an equality scheme, identify business drivers for equality and diversity and produce a measurable and time-defined action plan which is reviewed. Make sure your organisation communicates the importance of equality and diversity from the top
- ✓ Develop monitoring, customer profiling and customer insight and use information to deliver more equal and diverse services
- ✓ Engage with diverse service users and involve them in service design and delivery
- ✓ Build links with local diverse community groups and community advocates
- ✓ Ensure your organisation has strict data use and sharing procedures and that access to information about the protected characteristics of internal and external customers is treated with particular sensitivity and only for the purposes for which it is collected
- ✓ Undertake an equality analysis or equality impact assessment to make sure decision making and actions undertaken in your organisation do not adversely affect customers in their diversity
- ✓ Consider cascading equality and diversity through procurement
- ✓ Recognise that individual customers are diverse in different ways.

<sup>5</sup> Fanshawe S and Sriskandarajah S (2010) *You Can't Put Me in a Box: super-diversity and the end of identity politics in Britain*, London, IPPR



## 2. The Equality Act 2010

This section will summarise briefly the key features of the Equality Act 2010. Different equality legislation applies to Northern Ireland. In each section, we have highlighted key legislation in Northern Ireland which corresponds to different protected characteristics covered in the Equality Act 2010.

For housing providers, there are 7 key elements of the Equality Act 2010 which are particularly relevant and which we will explore in this **practice brief**.

These are:

1. The protected characteristics
2. What constitutes unlawful discrimination
3. Discrimination arising from disability
4. Requirements on businesses which provide goods, services and facilities to the general public
5. The Public Sector Equality Duty
6. Duties as employers
7. Positive action

### 1. The protected characteristics

The Equality Act 2010 offers protection to people who have what are known as protected characteristics. There are 9 protected characteristics:

- i. Age
- ii. Disability
- iii. Gender reassignment
- iv. Marriage and civil partnership
- v. Pregnancy and maternity
- vi. Race
- vii. Religion or belief
- viii. Sex
- ix. Sexual orientation

We will explore in more detail what these protected characteristics mean and how they relate to housing in the following sections of this **practice brief**.

### 2. What constitutes unlawful discrimination

Under the Equality Act 2010, the following types of discrimination are considered unlawful:

- A. Direct discrimination
- B. Discrimination by perception
- C. Discrimination by association
- D. Indirect discrimination
- E. Harassment
- F. Third party harassment
- G. Victimisation

**A. Direct discrimination:** this is when someone is treated less favourably than another person because of a protected characteristic which they have.

#### Examples of direct discrimination in housing

*Provision of goods, facilities and services:* a transgender woman who is the customer of a housing provider wishes to make use of toilet facilities at a housing office, but a member of staff says she should make use of male toilet facilities or wheelchair access facilities.

*Employment:* a housing maintenance team leader only shortlists male applicants for interview for a job vacancy in a housing maintenance team because he feels a woman would not fit in with the male-dominated working culture of the team.

**B. Discrimination by perception:** this is direct discrimination against someone because they are perceived to have a protected characteristic, even if they do not possess that characteristic. This already applies to race, religion or belief and sexual orientation and now it is extended to cover age, disability, gender reassignment and sex.

### Examples of discrimination by perception in housing

*Provision of goods, facilities and services:*

a male care worker says he does not want to provide care services for an older woman because he thinks she is a lesbian and he is uncomfortable about being around her because of this; even though she is not a lesbian.

*Employment:* a housing provider chooses not to promote a female employee to a senior position because senior managers think she may be pregnant or planning to have a baby even though she is not pregnant or planning to have a baby.

**C. Discrimination by association:** this is direct discrimination against someone because they associate with someone who has a protected characteristic. This already applies to race, religion or belief and sexual orientation and now it is extended to cover age, disability, gender reassignment and sex.

### Examples of discrimination by association in housing

*Provision of goods, facilities and services:*

a woman whose child has attention deficit hyperactivity disorder, is asked to wait in another room because housing staff fear her child's behaviour will disturb and distress other customers waiting in the reception area of a local housing office.

*Employment:* a housing officer is overlooked for a promotion because senior managers know that he has a disabled son and they are concerned he will not be able to commit sufficient time and energy to a demanding new role because of his caring responsibilities at home.

**D. Indirect discrimination:** this occurs when policies or practices that apply to everyone, particularly disadvantage people who share a protected characteristic. This already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. It is now extended to cover disability and gender reassignment.

### Examples of indirect discrimination in housing

*Provision of goods, facilities and services:*

a housing provider runs a choice based lettings scheme without ensuring that it is understood by or accessible to all ethnic groups in the area. The same landlord also fails to translate online and paper-based information into a range of community languages which reflect the make up of tenants and other residents who are service users even though there is a clear demand for this.

*Employment:* a housing provider who promotes a culture of long working hours indirectly discriminates against pregnancy and maternity and sex because a higher proportion of women have caring responsibilities than men.



**E. Harassment:** this is attention or behaviour by an individual or a group related to a relevant protected characteristic which is unwanted by the person or group against whom it is directed. Harassment applies to age, disability, race, religion or belief, sex and sexual orientation. It does not apply to pregnancy and maternity or marriage and civil partnership.

#### Examples of harassment in housing

*Provision of goods, facilities and services:* a trans woman, experiences harassment from local youths in her community. This has included being chased down the street and verbal abuse. She reports these incidents to her housing provider who does not identify them as a hate incident. Instead they tell her she is living on a 'tough estate'.

*Employment:* a housing team leader continually criticises the written work of a member of staff who has dyslexia. Her employer does not make any reasonable adjustments for the member of staff to support her in the workplace.

**F. Third party harassment:** the Equality Act 2010 makes employers liable for harassment of employees, based on any of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity), by individuals who are not employees of the company, that is third parties: e.g. customers or contractors. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or the person concerned may not have experienced the same type of harassment)

- the employer must have been aware the harassment took place
- and the employer must have failed to take reasonable steps to prevent it from happening again.

#### Examples of third party harassment in housing

*Employment:* a housing provider is aware that a black housing officer has been harassed on two separate occasions by two different contractors. The housing officer has notified her employer of the first two occasions. Her employer will be liable for a third act of harassment towards the same housing officer, if they fail to take reasonable practical steps to prevent further harassment, even if the third incident of harassment is committed by a different contractor.

#### Important note on third party harassment

In *The Plan for Growth* which accompanied the June 2011 budget, the government announced it would consult on the repeal of the provisions in the Equality Act 2010 relating to third party harassment. You can read about these proposals here:

[http://cdn.hm-treasury.gov.uk/2011budget\\_growth.pdf](http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf)

**G. Victimisation:** this occurs when a person is discriminated against because they have brought or are going to bring, or is believed to have brought or be going to bring proceedings under the Equality Act 2010. It can also occur where a person has given evidence or information in connection with proceedings under the Equality Act 2010.

#### Examples of victimisation in housing

*Provision of goods, facilities and services:* senior managers do not short-list a tenant for interview for a resident scrutiny panel appointment because they have brought proceedings of unlawful race discrimination under the Equality Act 2010.

*Employment:* a housing team leader does not short-list a junior member of staff for a job interview because they have previously brought proceedings of unlawful sex discrimination under the Equality Act 2010.

### 3. Discrimination arising from disability

The Equality Act 2010 extends protection for disabled people. It introduces the following:

- a new definition of discrimination arising from disability: this occurs where a service provider treats a person unfavourably because of something arising in consequence of their disability; and the service provider cannot show that the treatment is a proportionate means of achieving a legitimate aim
- indirect discrimination, discrimination by association and perception discrimination all apply to discrimination against disabled people
- the Act makes a provision for landlords to make reasonable adjustments to disabled tenants' homes to common areas, when they are requested by the tenant or someone acting on their behalf. However, the Home Office is currently considering when to bring these provisions into force.

### 4. Requirements on businesses which provide goods, services and facilities to the general public

The Equality Act 2010 makes it unlawful to discriminate against or harass a person because of a protected characteristic, or victimise someone when providing services (which includes goods and facilities).

### 5. Public Sector Equality Duty

The Equality Act 2010 introduced a Public Sector Equality Duty which consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself, and specific duties which are imposed by secondary legislation. However, the Government Equalities Office has stated that the government's draft regulations on the specific duties for England (and non-devolved bodies in Scotland and Wales) are to be revised. The general equality duty came into force on 6 April 2011. The general duty applies to age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Those subject to the general equality duty must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (this also applies to marriage and civil partnership)
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.



## How are social housing providers affected by the general equality duty?

There are two ways that social housing providers can be subject to the general duty. All public bodies listed in Schedule 19 of the Equality Act 2010 are subject to the general duty and this will include local authorities and by extension ALMOs. In addition, any organisation which carries out a public function will be subject to the general duty. It is likely that this will include housing associations. In this instance, the general duty will only apply to the organisation's public functions, not to any private functions it carries out.

### Housing associations and their public function

The legal case *London and Quadrant (LQHT) v Weaver (October 2009)*<sup>6</sup> confirmed that housing associations are private organisations which may also carry out a public function in certain circumstances. Historically housing associations have argued that the function of providing rental housing is not of a public nature within the meaning of the Human Rights Act. Rather, it is essentially a private matter, governed by the law of the land and by the specific contract between landlord and tenant. Until the Weaver case, the courts had generally supported this view. In the Weaver case the High Court ruled that 'the management and allocation of housing stock by LQHT is indeed a function of a public nature and that LQHT is to be regarded for relevant purposes as a public authority'. It went on, however, to decide that LQHT's actions had conformed to the requirements imposed by Article 8 on bodies fulfilling a public function. By extension, the Equality Act 2010 will 'impose obligations on any person who exercises public functions as defined in the Act' and these functions 'apply in relation to a function of a public nature' exercised by a public authority or another person (including a private organisation).<sup>7</sup>

## Analysing equality outcomes

The general equality duty requires that those subject to the duty should analyse equality outcomes. Equality analysis is a way of considering the effect on different groups protected from discrimination by the Equality Act 2010. Under the Equality Act 2010, the general equality duty does not specify how public authorities should analyse equality outcomes; but doing so is seen as an important part of complying with the general equality duty.

## 6. Duties as employers

The Equality Act 2010 makes it unlawful for employers to discriminate against or victimise people seeking work and employees. The Equality Act 2010 also introduces some new elements:

- **Pre-employment health questionnaires:** The Equality Act 2010 limits the circumstances when an employer can ask pre-employment health-related questions. Pre-employment health-related questions can only be asked if an employer considers they need to make any reasonable adjustments for the selection process (e.g. a hearing loop at a selection day); or if an employer considers they need to ask if an applicant can carry out a function that is essential for the job (e.g. requiring the ability to lift heavy objects on a building site); monitoring the diversity of applicants (e.g. monitoring disabled applicants); or introducing positive action (e.g. encouraging disabled applicants to apply for a position); or an occupational requirement that someone has a protected characteristic.

<sup>6</sup> The Weaver case is about the legal status of housing associations. LQHT served notice on an assured tenant under ground 8 (rent two months in arrears). Since the ground is mandatory, and the tenant could not dispute the arrears, her only defence was to argue that LQHT, as a registered social landlord, is discharging functions of a public nature for the purposes of the Human Rights Act. This would create an obligation on LQHT to show that its decision to evict conforms with the European Convention on Human Rights, specifically Article 8 (respect for the home).

<sup>7</sup> EHRC (2010) *Services, Public Functions and Associations: statutory code of practice: draft for consultation*, London, EHRC (3.3, 12.3.)

- **Extending the powers of employment tribunals:** the Equality Act 2010 extends the power of employment tribunals so that tribunals will be able to make recommendations that an employer can take steps to eliminate or reduce the effect of discrimination on other employees and not just the claimant.
- **Occupational requirements:** under Schedule 9 of the Equality Act 2010 there are some areas of work where discrimination in favour of a particular protected characteristic is permitted. For example, in race, ethnic or national origin, religion or belief, sexual orientation or age; an employer must show a 'genuine and determining occupational requirement', and show that it is proportionate to apply this requirement. Alternatively, in relation to sex, gender reassignment, race and nationality, the need to discriminate would have to fall into one of several defined 'occupational qualifications'. An employer must show that the requirement to discriminate is a 'proportionate means of achieving a legitimate aim'. For example, an employer decides to have a women only shortlist for the post of a support worker in a hostel that supports women who are escaping from domestic abuse.

## 7. Positive action

The Equality Act 2010 encourages employers to exercise positive action if they can demonstrate that employees, job applicants, or prospective board members, for example, who share a particular protected characteristic, experience disadvantage connected to that characteristic; or if their participation in a particular activity is disproportionately low. Positive action can only take place when an employer can demonstrate that they have candidates equally capable of undertaking a role or performing in a job.

### Finding out more about the Equality Act 2010



You can find out more about the Equality Act 2010 from the following sources:

LISTEN: Trevor Philips talks about the Equality Act 2010

[www.youtube.com/watch?v=-mYPWII8BTM](http://www.youtube.com/watch?v=-mYPWII8BTM)

EHRC (2011) *The Essential Guide to the Public Sector Equality Duty*, London, EHRC

[www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/essential\\_guide\\_guidance.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_guidance.pdf)

EHRC (2011) *Equality Analysis and the Equality Duty: a guide for public authorities*, London, EHRC

[www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/equality\\_analysis\\_guidance.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/equality_analysis_guidance.pdf)

Government Equalities Office (2010) *The Equality Act: making equality real: easy read document*

[www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/easy-read?view=Binary](http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/easy-read?view=Binary)

Government Equalities Office (2011) *Proposals to change specific public sector equality duties*

<http://homeoffice.gov.uk/equalities>

<b>Equality and Human Rights Commission (EHRC)</b>	Commission working to eliminate discrimination and reduce inequality	<a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a>
<b>Equality Britain</b>	Promoting opportunities for everyone regardless of race, age, disability, religion or belief, sexual orientation, gender or transgender status	<a href="http://www.equalitybritain.co.uk">www.equalitybritain.co.uk</a>
<b>Government Equalities Office</b>	Government department responsible for equalities legislation in the UK	<a href="http://www.equalities.gov.uk">www.equalities.gov.uk</a>
<b>HACT the housing charity</b>	Pioneering practical housing solutions for social inclusion	<a href="http://www.hact.org.uk">www.hact.org.uk</a>
<b>Housing Diversity Network (HDN)</b>	National, not for profit organisation which offers specialist training and advice on equality and diversity issues to the housing sector	<a href="http://www.housingdiversitynetwork.co.uk">www.housingdiversitynetwork.co.uk</a>
<b>Scottish Government</b>	Website of the devolved government in Scotland	<a href="http://www.scotland.gov.uk">www.scotland.gov.uk</a>
<b>Scottish Human Rights Commission</b>	Promotes and protects the human rights of everyone in Scotland	<a href="http://www.scottishhumanrights.com">www.scottishhumanrights.com</a>
<b>Tai Pawb</b>	Organisation set up to promote race equality and social justice in housing in Wales	<a href="http://www.taipawb.org">www.taipawb.org</a>
<b>Welsh Government Equality of Opportunity Committee</b>	The Welsh Government equalities unit	<a href="http://www.wales.gov.uk/keypubassemequalcomm2/index-e.htm">www.wales.gov.uk/keypubassemequalcomm2/index-e.htm</a>



### Practice checklist: The Equality Act 2010

- ✓ Be clear about how the Equality Act 2010 affects your organisation in three different ways: (1) as a business providing goods, facilities and services to the general public; (2) as an employer; and (3) in discharging a public function
- ✓ Ensure appropriate resources are allocated within your organisation to support genuine equality and diversity initiatives
- ✓ Be aware of and responsive to *difference* in diversity: the housing experiences of individual customers will all be different, so avoid taking a 'tick-box' approach to equality and diversity.

#### Providing goods, facilities and services

- ✓ Make sure all policies, procedures, publicity and information is accessible to diverse staff and customers. Where appropriate, information should be available in accessible formats such as Braille or read aloud and should be translated into different community languages
- ✓ Make sure all policies, procedures, publicity and information makes use of inclusive language and images which are positive about diversity and actively challenge stereotypes
- ✓ Actively consider the potential barriers to customer involvement that may exist in the locality amongst diverse groups and employ a range of approaches to involvement
- ✓ Engage with partner agencies and community advocates at strategic and operational levels to further equality and diversity. A partnership approach can enable better planning and co-ordination of services, making it easier for all customers to access the services they need
- ✓ Make use of clear, user-friendly and confidential systems to monitor equality and diversity across protected characteristics and in all areas of activity: as a service provider and when procuring services; and responding to findings
- ✓ Have a clearly understood data protection policy and data disclosure policy and ensure that confidential data is used only for the purposes for which it is collected.

#### As an employer

- ✓ Review policies and procedures to make sure they take account of equality and diversity across the protected characteristics. Policies and procedures which cover equality and diversity should reflect the following principles:
  - your organisation is strategically committed from the governing body to officer level to value diversity
  - your organisation is committed to delivering equal opportunities to diverse staff at all levels
  - your workforce should be representative of the diverse communities which you serve
  - you will monitor equality and diversity and act on the findings of your monitoring
- ✓ Communicate the need for a positive approach to equality and diversity and highlight the benefits and the business case internally and externally



- ✓ Review and deliver training to all staff to reflect provisions in the Equality Act 2010
- ✓ Make sure all training and staff development opportunities are equally available to all
- ✓ Ensure that suppliers subscribe to good practice on equality and diversity as part of an inclusive procurement strategy
- ✓ Review recruitment and employment policies and procedures to ensure they offer equal opportunities in accordance with the Equality Act 2010
- ✓ Advertise for vacancies in diverse media (e.g. LGBT press or BME press)
- ✓ Implement positive action initiatives (e.g. CIH and HDN staff mentoring programmes or CIH Positive Action for Disability Scheme).

### **In discharging a public function**

- ✓ In delivering a public function, ensure your organisation strategically plans and implements measures to eliminate unlawful discrimination across all 9 protected characteristics
- ✓ Devise and publicise to service users your organisation's plan to achieve greater equality and diversity in service provision
- ✓ Strategically plan to advance equality of opportunity among service users with different protected characteristics: make use of monitoring and customer insight information to deliver and evaluate different measures
- ✓ Working with other public bodies, community partners and community advocates, plan to develop good relations between service users who have different protected characteristics.

## 3. Age

The housing sector has a diverse age profile, however, there are high concentrations of younger and older groups in social housing: 20 per cent of household reference persons are aged under 35 and 29 per cent are aged 65 or over.<sup>8</sup>

### Why is age important for housing?

Age is important for housing for a number of reasons:

#### Older people and housing

- **The population of the UK is ageing:** the percentage of the population aged 65 and over increased from 15 per cent in 1985 to 17 per cent in 2010. In this age group the number of women exceeds the number of men. Over the same period, the percentage of the population aged under 16 decreased from 21 per cent to 19 per cent and it is expected that this trend will continue. By 2035, 23 per cent of the population is projected to be aged 65 and over compared to just 18 per cent aged under 16.<sup>9</sup> In addition, the number of older disabled people is set to double – up from 2.3 million in 2002 to 4.6 million by 2041.<sup>10</sup>
- **Adapting the housing stock:** 40 per cent of people aged 80 years and above report living with a long term illness or disability, and 1.5 million have a condition requiring specially adapted accommodation. However, most homes and communities have not been designed to meet the needs of people as they get older.

- **Rising costs of hospital and community health care:** 40 per cent of the total hospital and community health care costs are expended on people aged 65 years and older: this represents 16 per cent of the population.<sup>11</sup>

#### Young people and housing

- **Limited housing options:** young people experience difficulties accessing affordable housing. For the UK as a whole in 2011, a deposit of £9,000 was required for a first-time buyer rising to nearly £30,000 in London.<sup>12</sup>
- **Income poverty:** under current rules, a single person under the age of 25 renting from a private landlord is entitled to housing benefit to cover the average cost of a single room in a shared house. From April 2012, the single room rent provisions will be extended to people under 35 years of age. This presents challenges in terms of poverty and financial exclusion for younger people.
- **Homelessness:** 78,000 to 80,000 young people experienced homelessness in 2008/9 across the UK, including 3,800 young people who slept rough in this period.<sup>13</sup> Young women are also disproportionately represented: of the 40,020 homeless households in priority need accepted by local authorities in England during in 2009/10, 17,950 (45 per cent) were female single parents with dependent children.<sup>14</sup>
- **Poverty of aspiration:** a recent report from the Princes Trust found that 25 per cent of young people from deprived homes believed that few or

8 DCLG (2011) *English Housing Survey: headline report 2009-2010*, London, DCLG

9 Office for National Statistics (2011) *Ageing* – <http://www.statistics.gov.uk/cci/nugget.asp?ID=949>

10 HCA (2010) *Vulnerable and Older People Advisory Group Annual Report*, London, HCA

11 Davis S et al (2009) *Housing, Health and Community Care*, Coventry, CIH

12 Pawson H and Wilcox S (2011) *UK Housing Review 2010/2011*, Coventry, CIH

13 Quiglar D et al (2011) *Ending Youth Homelessness: possibilities, challenges and practical solutions*, Centrepoint: University of York and Heriot Watt University

14 Source: *Supporting People Client Records* – [www.spclientrecord.org.uk/index.cfm](http://www.spclientrecord.org.uk/index.cfm)

none of their career goals were achievable, compared to just 7 per cent of those from affluent families. Also, 26 per cent of young people did not expect to succeed in life.<sup>15</sup> In addition, recent Labour market figures show that youth unemployment rose to 991,000 (21.3 per cent) in September 2011.<sup>16</sup>

## Age and the Equality Act 2010

Age related provisions in the Equality Act 2010 are due to take effect in 2012. Age discrimination may be permissible if different treatment can be justified to meet a specific objective. Government is consulting on what organisations will be able to treat people differently because of their age. Some of the proposed exceptions include:

- age-based concessions: e.g. reduced travel costs for older or younger people
- financial services and insurance products where age is an issue
- residential park homes: admission restrictions on the basis of age
- group holidays based on age: e.g. Club 18-30 holidays or Saga holidays.

### Legislation in Northern Ireland relating to age

- *Employment Equality (Age) Regulations (Northern Ireland) 2006*: prohibits harassment in employment on the grounds of age.
- *Section 75 of the Northern Ireland Act 1988*: this places a duty on public bodies in Northern Ireland to have due regard to promote equality of opportunity between people of different ages.

## Discrimination on the grounds of age and how to respond

A housing organisation concentrates its communication efforts on website development, Twitter and Facebook because it sees this is where the tenants of the future will interact with the organisation. It does not know how many of its tenants and service users make use of IT or have access to IT, many of whom are older people.

*Response:* ensure communication is in different formats and consult with older tenants about how they want to be involved. Consider offering training and development opportunities for tenants and residents to develop their skills regardless of age.

### Finding out more: young people and housing



**Housing Practice: Young people and housing:** JRF sponsored CIH practice publication focusing on young people and housing – [www.cih.org](http://www.cih.org)

**Improving housing outcomes for young people:** The JRF has produced a report which illustrates practical ways in which housing outcomes can be improved for young people – [www.jrf.org.uk/sites/files/jrf/young-people-housing-options-full.pdf](http://www.jrf.org.uk/sites/files/jrf/young-people-housing-options-full.pdf)

**Young people's housing maze:** The JRF has commissioned a short series of animated films exploring the difficulties young people experience with housing. You can view these films at: [www.jrf.org.uk/film-gallery/young-peoples-housing-maze](http://www.jrf.org.uk/film-gallery/young-peoples-housing-maze)

<sup>15</sup> Princes Trust (2011) *Broke Not Broken: tackling youth poverty and the aspiration gap*, London, Princes Trust

<sup>16</sup> [www.ons.gov.uk/ons/dcp171778\\_237932.pdf](http://www.ons.gov.uk/ons/dcp171778_237932.pdf)



## Practice example

### The use of mosquito devices to deter children and young people

Some local authorities and housing associations have invested in mosquito devices as a means of dispersing groups of children and young people in a bid to reduce anti-social behaviour. Mosquito devices work by emitting a high pitched noise which cause discomfort to children and young people but which cannot be heard by adults. Sheffield City Council is set to refuse to sanction the use of mosquito devices because of concerns about the potential health implications and their indiscriminate targeting of young people whether they are involved in anti-social behaviour or not. In addition, the EHRC has written to the government to advise that the indiscriminate use of mosquito devices is not lawful because they affect all children and young people, not only those who may be engaged in anti-social behaviour.

You can read the EHRC's letter to the Children's Minister at:

[www.equalityhumanrights.com/uploaded\\_files/humanrights/letter\\_tim\\_loughton\\_mosquitos.pdf](http://www.equalityhumanrights.com/uploaded_files/humanrights/letter_tim_loughton_mosquitos.pdf)



## Practice example

### Whitefriars Housing Group: Creating Sustainable Tenancies

#### Helping young people to sustain their tenancies

Whitefriars Housing Group in Coventry recognised that they have an increasingly young tenant base. With the proportion of new tenancies being allocated to young people (age 18 – 24yrs) steadily increasing. This group of tenants is at the highest risk of experiencing difficulties with their tenancy and subsequently terminating or abandoning the tenancy.

Whitefriars decided to work with local schools to reduce the numbers of failed tenancies. The Whitefriars Housing Group have supported the production and distribution of a RESPECT booklet to all secondary schools in the city. The booklet is used to support Personal Social and Health Education (PSHE) lessons, and members of the Whitefriars Customer Involvement team are involved in the delivery of lessons in schools.

**Contact:** Terry Rollings, Senior Customer Involvement Officer

[terry.rollings@whitefriarhousing.co.uk](mailto:terry.rollings@whitefriarhousing.co.uk)



## Practice example

### Telecare in Sunderland

Over the next 15 years the number of older people in Sunderland over 65 will rise by 30 per cent, as will the number of older people with functional dependencies and dementia. This will mean an increasing demand on health and social care resources. To tackle this, Sunderland City Council has taken a preventative approach using telecare, which it has made a mainstream service, accessed by 16,500 households across the city. Telecare is the use of automatic, remote technology to monitor emergencies and lifestyle changes over time in order to manage the risks associated with independent living. The 15 year plan for Adult Social Care includes a key aim of further extending the use of telecare to support people at home and plan holistically for housing and support needs. It is anticipated that mainstreaming telecare on this large scale will result in economies of scale in procurement and provision, a reduction in the number of people entering residential care; and providing responsive services to those assessed as having low level needs.

**Contact:** Philip Foster, Head of Care and Support  
[philip.foster@sunderland.gov.uk](mailto:philip.foster@sunderland.gov.uk)



## Practice example

### HOOP, housing options self appraisal tool

This is an online tool developed by the Elderly Accommodation Counsel (EAC) designed to empower older people to assess their housing needs and options, and make informed decisions

about their housing arrangements. It uses a simple question and answer technique which suggests information and resources to help resolve any problems identified. HOOP is available at:

[www.housingcare.org/housing-appraisal-tool.aspx](http://www.housingcare.org/housing-appraisal-tool.aspx)

### Finding out more



Terry R (2011) *Improving Young People's Housing Outcomes*, York, JRF  
[www.jrf.org.uk/sites/files/jrf/young-people-housing-options-full.pdf](http://www.jrf.org.uk/sites/files/jrf/young-people-housing-options-full.pdf)

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[www.ilcuk.org.uk](http://www.ilcuk.org.uk)

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[http://england.shelter.org.uk/\\_media/england/good\\_practice\\_downloads/Housing\\_and\\_support\\_for\\_older\\_people\\_good\\_practice\\_guide.pdf](http://england.shelter.org.uk/_media/england/good_practice_downloads/Housing_and_support_for_older_people_good_practice_guide.pdf)



<b>AgeCymru</b>	Charity which promotes the interests of all people over 50 in Wales	<a href="http://www.ageuk.org.uk/cymru">www.ageuk.org.uk/cymru</a>
<b>AgeScotland</b>	Charity which promotes the interests of all people over 50 in Scotland	<a href="http://www.ageuk.org.uk/scotland">www.ageuk.org.uk/scotland</a>
<b>AgeUK</b>	Charity promoting the wellbeing of older people	<a href="http://www.ageuk.org.uk">www.ageuk.org.uk</a>
<b>Elderly Accommodation Council</b>	Charity providing advice and support to help older people make informed housing decisions	<a href="http://www.eac.org.uk">www.eac.org.uk</a>
<b>Princes Trust</b>	Charity providing practical and financial support to young people between 14 and 30 years of age	<a href="http://www.princes-trust.org.uk">www.princes-trust.org.uk</a>
<b>YMCA</b>	Charity providing support, housing and development opportunities for young people and families	<a href="http://www.ymca.org.uk">www.ymca.org.uk</a>
<b>Young People in Focus</b>	Charity supporting organisations and individuals to improve the lives of young people and families	<a href="http://www.studyofadolescence.org.uk">www.studyofadolescence.org.uk</a>



### Practice checklist: Age

#### Providing goods, facilities and services

- ✓ Make sure all publicity, information material and communication and engagement mechanisms used by your organisation are accessible to different age groups and use inclusive language and images which are positive about age diversity
- ✓ Where goods, facilities and services are provided on a different basis to different customers or prospective customers on the basis of age, (e.g. sheltered housing for people over the age of 65 or Foyer accommodation for people under the age of 21), make sure different treatment can be justified to meet this specific objective
- ✓ Liaise with community partners (e.g. voluntary, private sector and public bodies such as schools or Primary Care Trusts) to develop capacity to engage with customers of different ages.

#### As an employer

- ✓ Make sure all staff recruitment policies and procedures do not discriminate against candidates on the basis of age
- ✓ Ensure your organisation has an age-balanced workforce and make sure people of different ages can take advantage of different employment and training opportunities
- ✓ Include age discrimination issues in all staff training on equality and diversity
- ✓ The Equality Act 2010 does allow an extension to the compulsory retirement age set out in the Employment (Age) Regulations 2006.

## 4. Disability

The social rented sector provides homes to a high percentage of people living with different disabilities. There are over 10 million disabled people in the UK and nearly 7 million of these are of working age: that is 1 in 5 of the total working population.<sup>17</sup>

Only 4 per cent of disabled people use a wheelchair. Some disabilities develop over a lifetime and not all disabilities are visible or affect people all of the time.

There are two common ways of viewing disability:

- **Medical model:** this approach views the disability which a person has as a barrier to their full participation in society: e.g. if a person who makes use of a wheelchair is unable to get into a housing office because of some steps, the medical model would suggest that the barrier is the use of a wheelchair, rather than the steps.
- **Social model:** this is a more acceptable approach. It has been developed by disabled people themselves and locates the barriers that exist within society to the full participation of disabled people to the way in which society is organised. The social model points out that society can do more to reduce or eradicate barriers which exclude disabled people from participation in society.

### Why is disability important for housing?

Disability is important for housing for a number of reasons:

- **Low levels of involvement:** disabled people are less likely to be engaged in some form of community or civic involvement than non-disabled people. In 2009/10, 55 per cent of disabled people undertook at least one activity of civic

involvement in the last 12 months compared to 60 per cent of non-disabled people.<sup>18</sup>

- **Difficulties accessing services:** around a third of disabled people experience difficulties related to their impairment in accessing a range of services.<sup>19</sup>
- **Poor quality accommodation:** one in three households with a disabled person live in non-decent accommodation, although this gap has closed in recent years.<sup>20</sup> 12 per cent of families with at least one disabled child and at least one disabled adult said their home was in a 'fairly poor' or 'very poor' state of repair compared to 5 per cent of families with no disabled members.<sup>21</sup>
- **Disability hate incidents and hate crime:** disabled people may experience harassment and hate incidents in the community. A 2007 Ipsos/Mori poll, commissioned by the Disability Rights Commission found that one third of disabled adults did not feel safe in their locality, rising to nearly half of adults with a mental health condition.<sup>22</sup> Social landlords have a particular responsibility to be vigilant to disability related harassment and hate incidents and to build effective partnerships to tackle them.
- **Risk of income poverty:** government is proposing to replace Disability Living Allowance (DLA) with a new benefit called Personal Independence Payment (PIP) from 2013-14. This will continue to be a non-means tested benefit which will be paid to people who are in and out of work. PIP will, however, have a £2.17 billion lower budget by 2015 and this has caused concern for some disability rights groups.

<sup>17</sup> Family Resources Survey 2008/09

<sup>18</sup> Citizenship Survey 2009/10

<sup>19</sup> ONS Opinions Survey 2009

<sup>20</sup> English House Condition Survey 2007

<sup>21</sup> Philo D et al (2007) *Families with Children in Britain: findings from the 2007 families and children study: DWP research report 578*, London, DWP

<sup>22</sup> Cited in: Quarmby K (2008) *Getting Away With Murder: disabled people's experience of hate crime in the UK*, London, Disability Now, UK Council for Disabled People, Scope

### Finding out more

Disability Alliance has produced a factsheet which explains how Personal Independence Payment will work. You can download this from [www.disabilityalliance.org/f60.htm](http://www.disabilityalliance.org/f60.htm)



- they have a physical impairment or mental impairment
- that impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities
- anyone who has had a disability in the past that meets this definition are also protected by the Equality Act 2010
- progressive conditions are also covered by the Equality Act 2010: e.g. cancer or HIV.

### Disability and the Equality Act 2010

Under the Equality Act 2010, a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This means:

The disability equality duty is now incorporated into general equality duties which form part of the Public Sector Equality Duty of the Equality Act 2010.

### Discrimination arising from disability and housing

The Equality Act 2010 sets out a new definition of discrimination arising from disability which reinstates the protection lost to disabled people as a result of the decision in *LB Lewisham v Malcom (2008)*. In this case, a person with schizophrenia sublet his flat which he held on a secure tenancy from the local authority. This meant he was in breach of his tenancy agreement and lost his tenancy. The local authority served notice to quit and brought proceedings for possession of the flat. In his defence, the tenant argued that his decision to sublet was caused by his schizophrenia. This would mean the local authority was seeking possession for a reason related to his disability, and was in breach of the Disability Discrimination Act 1995. The House of Lords held that there was no breach of the Disability Discrimination Act 1995. The House of Lords also held that to discriminate for a reason related to a disability the person needed to have knowledge of the disability. Section 15 of the Equality Act 2010 introduces the concept of discrimination arising from disability. This defines discrimination arising from disability as:

- (1) A person (A) discriminates against a disabled person (B) if-
  - (a) A treats B unfavourably because of something arising in consequence of B's disability, and
  - (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.
- (2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

In housing, this means that a landlord will have to show that that they did not know, and could not reasonably have been expected to know, that a tenant or service user had a disability. Now, landlords will need to make investigations when granting tenancies or when taking any action against a tenant to make sure they are not discriminating against them on the grounds of disability.

### Finding out more

The Office for Disability Issues has published revised *Guidance on matters to be taken into account in determining questions relating to the definition of disability*, to reflect the Equality Act 2010:

<http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf>



### **EHRC report: Hidden in plain sight**

Hidden in plain sight is the final report of the EHRC inquiry into disability-related harassment. In addition to reporting on the extent of harassment, the report also includes case studies and makes recommendations to public authorities to help them deal with the problems uncovered.

[http://equalityhumanrights.com/uploaded\\_files/disabilityfi/ehrc\\_hidden\\_in\\_plain\\_sight\\_3.pdf](http://equalityhumanrights.com/uploaded_files/disabilityfi/ehrc_hidden_in_plain_sight_3.pdf)

### **Legislation in Northern Ireland relating to disability**

- *Disability Discrimination (Northern Ireland) Order 2006*: prohibits discrimination and harassment against disabled people.
- *Section 75 of the Northern Ireland Act 1988*: this places a duty on public bodies in Northern Ireland to have due regard to promote equality of opportunity between disabled and non-disabled people.

### **Discrimination on the grounds of disability and how to respond**

A social housing provider provides a range of services that are not accessible to people with disabilities. They do not know how many of their customers have disabilities. One customer with a visual impairment finds that information available through read aloud on the housing organisation's website is not sufficiently informative. The social housing provider has not undertaken thorough customer insight so it has an inadequate understanding of the needs of its customers.

*Response*: use customer profiling to assess the range of needs of your disabled customers and involve disabled tenants so they can advise on issues of accessibility.

### **CIH Positive Action for Disability**

CIH has introduced a Positive Action for Disability scheme which aims to unlock the potential of disabled people and support the inclusion and professional development of disabled people in the housing workplace. The scheme combines a recruitment service, organisational support and trainee support over a two year period.

**Contact:** Graham Findlay, Positive Action for Disability Manager at CIH  
[Graham.findlay@cih.org](mailto:Graham.findlay@cih.org)  
[www.cih.org](http://www.cih.org)



### **Practice example**

#### **Office for Disability Issues: roadmap 2025**

The Office for Disability Issues has developed a roadmap based on 14 themes that disabled people have said will make the biggest difference to their lives with the aim of achieving disability equality by 2025.

One of the themes is housing. It states disabled people should be able to live independently, with choices equal to others, with housing inequalities reduced; housing choice/suitability is widened for disabled people; and neighbourhood accessibility improved.

<http://odi.dwp.gov.uk/roadmap-to-disability-equality/>



## Practice example

### Salix homes: Making Differences Count

Making Differences Count is a project which brings together customers from communities that may not easily be heard in Central Salford. At its core, the project promotes the view that in order to truly tackle equality and diversity issues and remove barriers, those communities need to be at the heart of driving it forward. One aspect of this project has addressed the needs of disabled tenants. Salix Homes Disability Focus Group developed a protocol for contractors based on their experiences to remind

operatives of the little things that make a difference. This protocol has been adopted by all contractors at Salix Homes with three contractors adopting the protocol nationally. The group has also developed Disability Awareness Training which has been rolled out to staff and contractors. So successful have the sessions been that the group have now delivered the training to contractors across the country. This has resulted in a 10 per cent increase in instances of customers with a disability getting involved in Salix Homes in 2010/11.

**Contact:** James Allan, Marketing and Communications Manager  
[james.allan@salixhomes.org](mailto:james.allan@salixhomes.org)

### Finding out more

Quarmby K (2011) *Scapegoat: why we are failing disabled people*, London, Portobelo

Welsh Government (2011) *Autistic Spectrum Disorder: a guide to housing management for practitioners and people in rented housing*, Cardiff, Welsh Government  
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EHRC (2009) *Promoting the Safety and Security of Disabled People*, London, EHRC  
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[odi.dwp.gov.uk/docs/res/eedp/eedp-full-report.pdf](http://odi.dwp.gov.uk/docs/res/eedp/eedp-full-report.pdf)

Quarmby K (2008) *Getting Away With Murder: disabled people's experience of hate crime in the UK*, London, Disability Now, UK Disabled People's Council, Scope  
[www.scope.org.uk/sites/default/files/pdfs/Campaigns\\_policy/Scope\\_Hate\\_Crime\\_Report.pdf](http://www.scope.org.uk/sites/default/files/pdfs/Campaigns_policy/Scope_Hate_Crime_Report.pdf)





<b>Capability Scotland</b>	Charity working to ensure equality and inclusion for disabled people in Scotland	<a href="http://www.capability-scotland.org.uk">www.capability-scotland.org.uk</a>
<b>Deafblind UK</b>	Charity offering specialist services and human support to deafblind people and those who have progressive sight and hearing loss	<a href="http://www.deafblind.org.uk">www.deafblind.org.uk</a>
<b>Disability Alliance</b>	Membership organisation working to improving the living standards of disabled people	<a href="http://www.disabilityalliance.org">www.disabilityalliance.org</a>
<b>Disability Now</b>	Magazine for disabled people and people interested in disability issues	<a href="http://www.disabilitynow.org.uk">www.disabilitynow.org.uk</a>
<b>Lesbian and Gay Alzheimer's Society Carer's Network</b>	This network provides support for lesbian and gay carers. Its website gives advice on choosing residential accommodation and examples of good practice in social care	<a href="http://www.alzheimers.org.uk">www.alzheimers.org.uk</a>
<b>National Aids Trust (NAT)</b>	NAT is a leading HIV and AIDS charity in the UK. NAT develops resources to help individuals and organisations meet the needs of people living with HIV	<a href="http://www.nat.org.uk">http://www.nat.org.uk</a>
<b>Office for Disability Issues</b>	Leads the government's vision of achieving equality for disabled people	<a href="http://odi.dwp.gov.uk">http://odi.dwp.gov.uk</a>



## Practice checklist: Disability

### Providing goods, facilities and services

- ✓ Use monitoring and customer profiling to develop a clearer understanding of the service needs and requirements of customers who have a disability
- ✓ Adopt a zero tolerance approach to cases of disability related harassment and hate incidents and communicate this to all customers: plan to tackle and respond to 'hate incidents' (see section 12 for more information on this)
- ✓ Promote positive attitudes towards disabled people: make sure information is accessible to people with different disabilities and contains disability-positive imagery
- ✓ Actively encourage the involvement of disabled customers in tenant participation structures.

## As an employer

- ✓ Make sure recruitment, selection and appointment policies and procedures are in line with the Equality Act 2010
- ✓ Communicate a zero-tolerance approach to all staff, contractors and customers on disability related discrimination
- ✓ Inform staff about disability related discrimination and how to create a positive workplace for disabled people
- ✓ Assess the needs of your staff and make reasonable adjustments in the workplace for staff who identify that they have a disability. Consult with disabled people themselves before you introduce these measures. Measures could include:
  - reviewing recruitment and selection procedures; e.g. providing a sign language interpreter facilities for a deaf person, or making sure staff involved in recruitment and selection understand how a person's particular disability relates to the job they are applying for
  - be flexible around employment practices: e.g. work schedules or other work practices
  - modifying equipment: e.g. lowering a work-station or providing a large computer screen
  - where required, adapt work premises: e.g. modifying toilets or providing flashing lights to alert people with a hearing loss in the event of an emergency.

## 5. Gender reassignment

The word transgender is an umbrella term used to describe people whose gender identity or expression differs from their birth sex. Transgender is not a sexual orientation. But a transgender person may identify as lesbian, gay, bisexual or heterosexual. The term transgender may sometimes include the term transsexual which refers to a person who wants to or who has already changed their physical sex from the one they were born with. Transgender people may or may not choose to alter their bodies hormonally and/or surgically. The process of identifying and living in a new gender, with or without hormone therapy or gender reassignment is called transition. The term trans is a generic term used by those who identify themselves as transgender or transsexual.

### Why is gender identity and gender reassignment important for housing

There are a number of reasons why a person's gender identity impacts on their housing experiences:

- **Treating trans customers sensitively:** some trans people will express a desire to change their name and personal details and be referred to in the gender with which they identify: this presents challenges for how housing staff hold and maintain information and how they speak with trans customers.
- **Stigma and discrimination:** trans people experience a lot of social stigma and discrimination. They may be vulnerable to harassment and 'hate crime' in their communities. 25 per cent of trans respondents surveyed in Scotland in 2007 stated that they have previously had to move out of their home due to the transphobia from families, flat-mates or neighbours. 4 per cent of the respondents were homeless at the point of survey.<sup>23</sup>
- **Poverty and exclusion:** trans people may experience poverty due to discrimination in

employment or lack of economic support from family or friends. This can put them at risk of sexual abuse and exploitation from survival sex work.<sup>24</sup>

### Gender reassignment, the Gender Recognition Certificate and the Equality Act 2010

The Gender Recognition Act 2004 (GRA), which came into force in April 2005 gave full legal recognition to a trans person's acquired gender. A woman making the transition to being a man and a man making the transition to being a woman both share the characteristic of gender reassignment. This is so whether they have only just started the process of changing sex, or have completed that process. The GRA recognises a trans person as someone living permanently in their acquired gender role, whether or not they have decided to undergo gender reassignment. The GRA enables trans people to apply for a Gender Recognition Certificate (GRC). On receiving a GRC, a trans person must be treated as their new sex for all legal purposes including marriage and civil partnership. A GRC gives a trans person enhanced privacy rights: official bodies must take great care they do not disclose a trans person's gender identity without permission. The Equality Act 2010 provides additional protection for a person who has proposed, started or completed a process to change their sex. The Equality Act 2010 no longer requires a person to be under medical supervision in order to be protected.

### Legislation in Northern Ireland relating to gender reassignment

*Sex Discrimination (Gender Reassignment) regulations (Northern Ireland) 1999:* prohibits discrimination and harassment on the grounds of gender reassignment in employment and vocational education.

<sup>23</sup> Scottish Transgender Alliance (2008) *Transgender Experiences in Scotland*, Edinburgh, Scottish Transgender Alliance

<sup>24</sup> Mottet L and Ohle J (2003) *Transitioning Our Shelters: a guide to making homeless shelters safe for transgender people*, New York, National Coalition for the Homeless and the National Gay and Lesbian Taskforce Policy Institute

## Discrimination on the grounds of gender identity and how to respond

A 70-year-old trans woman moves into sheltered housing and she is in the early stages of Alzheimers. Her needs as a trans person are inadequately assessed by her housing provider. Paper work identifies her under her previous male gender. Her gender identity is discussed openly by staff and in the presence of other residents.

*Response:* providers of housing and care should be sensitive to the requests of trans customers and provide appropriate services which reflect their acquired gender identity. The strictest confidence should be maintained. Staff should be trained to behave in a sensitive way with trans people.



### Practice example

#### Brighton and Hove Council and the Clare Project

Brighton and Hove Council have worked with a local trans group called the Clare Project to develop its approach to trans equality. The Clare Project is a self supporting group based in Brighton and Hove open to anyone wishing to explore issues around gender identity. [www.clareproject.org.uk](http://www.clareproject.org.uk)



### Practice example

#### Transgender awareness training at Golden Gates Housing

Staff and board members from Golden Gates Housing Trust in Warrington attended a learning lunch to raise awareness of the issues surrounding gender identity. This followed a survey which revealed that 0.71 per cent of the trust's tenants are transgender. The learning lunch was facilitated by TransWirral, an organisation set up to help and educate people about the issues surrounding being transgender. Golden Gates Housing Trust monitor the profile of their tenants to ensure that they are delivering excellent services to all sections of

the community. The learning opportunities offered by the lunch were considered crucial to staff being able to deliver a tailored and effective service.

**Contact:** Cam Kinsella, Equality and Diversity Officer  
[cam.kinsella@gght.org.uk](mailto:cam.kinsella@gght.org.uk)



#### Finding out more

AgeUK (2010) *Factsheet 166: Transgender Issues in Later Life*, London, AgeUK  
[www.ageuk.org.uk](http://www.ageuk.org.uk)

UNISON and Scottish Transgender Alliance (2010) *Transgender Workers Rights*, UNISON and Scottish Transgender Alliance  
[www.scottishtrans.org](http://www.scottishtrans.org)

Brown K and Lim J (2008) *Trans People: additional findings report: Count Me In Too: LGBT lives in Brighton and Hove*, Brighton, University of Brighton and Spectrum  
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GEO (2005) *Gender Reassignment – a guide for employers*, London, Government Equalities Office – [www.equalities.gov.uk](http://www.equalities.gov.uk)

Mottet L and Ohle J (2003) *Transitioning Our Shelters*, New York, National Gay and Lesbian Taskforce and National Coalition for the Homeless  
[www.thetaskforce.org/downloads/reports/reports/TransitioningOurShelters.pdf](http://www.thetaskforce.org/downloads/reports/reports/TransitioningOurShelters.pdf)

Press for Change: *A Question of Strategy by Christine Burns: audio recording concerning supporting transsexual employees in transition*  
<http://services.pfc.org.uk/>

<b>FTM International (for trans men)</b>	International female to male transgender support organisation	<a href="http://www.ftmi.org">www.ftmi.org</a>
<b>Gender Advisory Bureau</b>	Charity providing training courses on transgender awareness	<a href="http://www.genderadvisorybureau.com">www.genderadvisorybureau.com</a>
<b>Press for Change</b>	A lobbying and educational organisation which campaigns to achieve equality and human rights for all trans people in the United Kingdom	<a href="http://www.pfc.org.uk">www.pfc.org.uk</a>
<b>Scottish Transgender Alliance</b>	Alliance works to improve transgender inclusion, equality and rights	<a href="http://www.scottishtrans.org">www.scottishtrans.org</a>



## Practice checklist: Gender reassignment

### Providing goods, facilities and services

- ✓ Use monitoring and customer profiling to deliver services which meet the needs of your trans customers: work with community advocates and local trans groups to build up trust with your trans customers
- ✓ Always address a trans customer in the gender to which they identify and not according to their birth sex
- ✓ Provide trans customers with access to appropriate single-sex facilities which are in line with their gender identity and not their birth sex (e.g. toilet facilities or single sex accommodation)
- ✓ Some trans people may have specific personal care needs and these should be handled sensitively (e.g. personal care support appropriate to their gender identity)
- ✓ Be aware that many trans people experience social stigma and discrimination and may be vulnerable to harassment and hate incidents in their communities: plan to tackle and respond to 'hate incidents'.

### As an employer

- ✓ Make sure gender identity and gender reassignment are included in your organisation's equal opportunities policies
- ✓ Communicate a zero tolerance approach to transphobia to all staff, service users and contractors
- ✓ Train staff on housing issues relating to gender identity and gender reassignment
- ✓ Monitor your staff and service users on gender identity: but take particular care and seek advice from community advocates or specialist organisations such as Press for Change or the Gender Trust
- ✓ Maintain strict confidentiality around someone's transgender status
- ✓ There is a clear distinction between sexual orientation issues (LGB) and transgender issues (T): while LGBT customers experience commonalities in their experiences of service delivery, there are different issues which affect them that should be recognised.



## 6. Marriage and civil partnership

The Equality Act 2010 protects people who are married or in a civil partnership from direct and indirect discrimination and victimisation in employment. Under the Equality Act 2010, marriage is defined as a union between a man and a woman. A civil partnership refers to the legal recognition given to same-sex couples. Single people are not specifically protected.

The provisional number of marriages registered in England and Wales in 2009 was 231,490. This represents the lowest level of marriages since 1895. Since 1972 the number of marriages in England and Wales has generally declined.<sup>25</sup> In 2010, however, same-sex couples formed 6,385 civil partnerships in the UK and this represents an increase of 1.7 per cent compared with 2009.<sup>26</sup>

### Why is marriage and civil partnership important for housing?

- **Tenancy rights:** the Civil Partnership Act 2004 gave same sex couples legal recognition of their relationship. This means civil partners have equal treatment to married couples in a wide range of legal matters including the right of succession to a tenancy.
- **Harassment and hate incidents:** people in civil partnerships may be at risk from harassment or hate incidents in their communities: landlords should be vigilant to this and respond firmly and appropriately.

### Consultations on equal marriage and civil partnership

In 2011 UK government announced a consultation on marriage and civil partnership in the UK. The consultation will include:

- making marriage available to couples regardless of sex or sexual orientation
- making civil partnership available to straight couples as well as lesbian or gay couples
- allowing legal conversion between marriage and civil partnership without a separate divorce or annulment.

### Marriage and civil partnership and the Equality Act 2010

With specific reference to employment, the Equality Act 2010 provides protection against discrimination and victimisation on the grounds of marriage or civil partnership in relation to recruitment and selection, the terms of employment, any benefits provided during employment and on termination, promotion, training, redundancy retirement and discrimination and harassment post retirement.

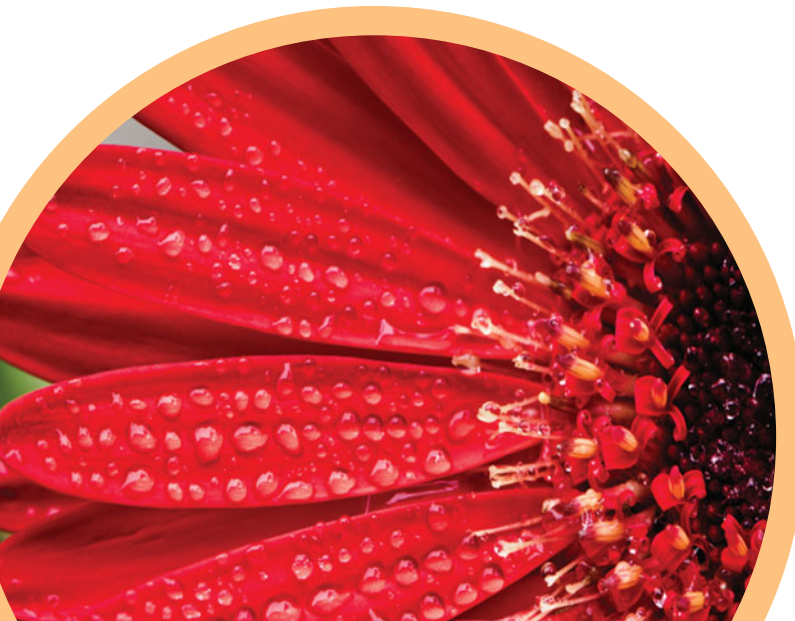
### Discrimination on the grounds of marriage and civil partnership and how to respond

Staff benefits which are made available by a housing organisation to married employees and their spouses are not publicised to staff who are in a civil partnership: these benefits include key elements such as flexible working arrangements and maternity and paternity leave, compassionate leave and pension arrangements.

*Response:* ensure that all company benefits which relate to married members of staff also explicitly include people who are in a civil partnership and are promoted to all staff equally.

<sup>25</sup> [www.statistics.gov.uk/cci/nugget.asp?id=322](http://www.statistics.gov.uk/cci/nugget.asp?id=322)

<sup>26</sup> [www.statistics.gov.uk/cci/nugget.asp?id=1685](http://www.statistics.gov.uk/cci/nugget.asp?id=1685)





## Practice example

### Metropolitan Housing Partnership (MHP) includes marriage and civil partnership in their Single Equality Scheme

MHP's Single Equality Scheme sets out the organisation's approach, objectives and actions in respect of equality and diversity across the protected characteristics, for all aspects of service provision and employment. The Single Equality Scheme specifically mentions MHP's commitment to delivering an equal service for people who are in a marriage and civil partnership.

[www.mhp-online.co.uk/aboutus/equalityanddiversity.html](http://www.mhp-online.co.uk/aboutus/equalityanddiversity.html)

**Contact:** Mark Harrison, MHP Diversity Strategy Manager  
[Mark.harrison@mht.co.uk](mailto:Mark.harrison@mht.co.uk)



## Practice example

### Albert Kennedy Trust works with the Forced Marriages Unit

**Work with the Forced Marriages Unit (FMU) at the Home Office**

AKT has been working with the Forced Marriages Unit at the Home Office to support young LGBT people from different faith backgrounds who may be at risk from forced marriages. In 2010 the FMU has dealt with 29 confirmed cases of forced marriage involving LGBT people. Last year, the unit offered support and advice to nearly 1,700 cases in total. AKT has been working to raise awareness among housing providers about the risks posed to young LGBT teenagers from forced marriages.

[www.akt.org.uk](http://www.akt.org.uk)

### Finding out more

National Marriage Week– [www.marriage-week.org.uk](http://www.marriage-week.org.uk)

Citizens Advice Bureau: *Living Together and Marriage: legal differences*

[www.adviceguide.org.uk/index/your\\_family/family\\_index\\_ew/living\\_together\\_and\\_marriage\\_legal\\_differences.htm](http://www.adviceguide.org.uk/index/your_family/family_index_ew/living_together_and_marriage_legal_differences.htm)

Government Equalities Office (2011) *Civil Partnerships on Religious Premises: a consultation: March 2011*, London, GEO

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Stonewall (2011) *Response to Government Consultation on the Extension of the Legal Form of Marriage*, London, Stonewall

[www.stonewall.org.uk/documents/extension\\_of\\_marriage\\_stonewall\\_response\\_1.pdf](http://www.stonewall.org.uk/documents/extension_of_marriage_stonewall_response_1.pdf)





## Practice checklist: Marriage and civil partnership

### Providing goods, facilities and services

- ✓ Treat couples who are married and couples who are living in a civil partnership equally and without discrimination: ensure that all information and publicity which your organisation produces depicts, refers to and treats marriage and civil partnership equally. Communicate this message clearly to staff and service users
- ✓ While it is important to recognise that specific provisions within the Equality Act 2010 relate to marriage and civil partnership, be aware that staff and service users may form households in a way which does not conform neatly to these legal definitions. For example, some people may form multiple relationships or choose not to live with a partner. There is no formal marriage in Rastafarianism, but couples who live together are viewed as 'married'.

### As an employer

- ✓ Ensure that all staff policies and procedures relating to employment, conduct in the workplace, staff benefits, bullying and harassment refer to and treat marriage and civil partnership equally and do not discriminate between the two
- ✓ Ensure that staff are aware of the law relating to marriage and civil partnership and treat customers who are married or are living in a civil partnership equally.

## 7. Pregnancy and maternity

Under the Equality Act 2010 maternity refers to the period after the birth, and is linked to maternity leave in the employment context. Outside of a work context, protection against maternity discrimination lasts for 26 weeks after giving birth. This also includes treating a woman unfavourably because she is breastfeeding an infant.

### Why is pregnancy and maternity an issue for housing?

Pregnancy and maternity are important for housing for a number of reasons:

- **Discrimination:** young pregnant women are often stigmatised as disproportionately gaining access to social housing. This is despite contrary evidence which shows that 80 per cent of teenage mothers live with their parents and just five per cent of the 20,000 mothers aged under 18 who give birth nationally, live in independent tenancies.<sup>27</sup>
- **Women and poverty:** research has shown that women with children are at greater risk of poverty than are men, and more likely to suffer recurrent and longer spells in poverty. Mothers are also likely to be the main managers of family poverty.<sup>28</sup>
- **Pregnancy and parenting:** the Equality Act 2010 refers to pregnancy and maternity as a protected characteristic: but in developing good practice 'pregnancy and parenting' is a more representative and inclusive term. This embraces paternity and challenges low uptakes of paternity leave: less than 20 per cent of eligible new fathers take paternity leave.<sup>29</sup>

### Pregnancy and maternity and the Equality Act 2010

A service provider must not discriminate against a pregnant woman seeking goods, facilities and services because of her pregnancy. In addition, they must not discriminate against a woman within the period of 26 weeks from the date of birth, or treat her unfavourably because she has given birth or treat her unfavourably because she is breastfeeding an infant.

Pregnant employees also have key rights, including:

- reasonable paid time off for antenatal care
- 26 weeks of ordinary maternity leave
- 26 weeks additional maternity leave
- maternity pay benefits
- protection against unfair treatment (including demotion, disciplinary action or dismissal) on the grounds of pregnancy or maternity.

### Discrimination on the grounds of pregnancy and maternity and how to respond

A woman who is breastfeeding her baby in a local housing office is reprimanded by a member of staff and told to use the female toilets.

*Response:* do not discriminate against customers on the grounds of pregnancy or maternity. Make it clear to staff and customers that your organisation is supportive of breastfeeding mothers. Support breastfeeding in public or provide facilities for mothers to breastfeed their infants if they choose to use them.

<sup>27</sup> [www.studyofadolescence.org.uk/research](http://www.studyofadolescence.org.uk/research)

<sup>28</sup> WBG (2005) *Women and Children's Poverty: Making the links*, London, Women's Budget Group

<sup>29</sup> Statistic from Calpol Survey 2004 reported by Fathers Direct



## Practice example

### Making Leeds a breastfeeding friendly city

Leeds City Council has been working with the National Childbirth Trust to make sure that public service providers in Leeds provide welcoming environments for breastfeeding mums.

The Leeds Breastfeeding Friendly campaign aims to promote breastfeeding by making it more acceptable in public, so that mums are comfortable to breastfeed their children when they need to.

Breastfeeding Friendly in Leeds: [www.leeds.gov.uk/files/Internet2007/2011/29/nhs%20final\(1\).pdf](http://www.leeds.gov.uk/files/Internet2007/2011/29/nhs%20final(1).pdf)



## Practice example

### Bournemouth City council supporting parents and children

Bournemouth City Council provides baby care and changing facilities and soft play areas in local housing offices which are shared with libraries. In addition, many libraries have child friendly activities including story times and toy libraries.

[www.bournemouth.gov.uk/Housing/Council Housing](http://www.bournemouth.gov.uk/Housing/CouncilHousing)

**Contact:** Gary Josey, Director of Housing Landlord and Parks  
[gary.josey@bournemouth.gov.uk](mailto:gary.josey@bournemouth.gov.uk)

### Finding out more



EHRC (2007) *Pregnancy and Maternity at Work: your rights*, London, EHRC

[www.equalityhumanrights.com/uploaded\\_files/publications/rights\\_pregnancy\\_maternity.pdf](http://www.equalityhumanrights.com/uploaded_files/publications/rights_pregnancy_maternity.pdf)

<b>Association of Breastfeeding Mothers</b>	Charity supporting breastfeeding mothers	<a href="http://abm.me.uk">http://abm.me.uk</a>
<b>Directgov</b>	UK government advice on employment rights for women who are pregnant and parents	<a href="http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements">www.direct.gov.uk/en/Parents/Moneyandworkentitlements</a>
<b>Gingerbread</b>	Charity providing advice and support for single parents	<a href="http://www.gingerbread.org.uk">www.gingerbread.org.uk</a>
<b>National Childbirth Trust</b>	A UK parenting charity, which provides information and campaigns on issues of childbirth and parenting	<a href="http://www.nct.org.uk">www.nct.org.uk</a>
<b>Mumsnet</b>	Online forum pooling knowledge, advice and support about parenting	<a href="http://www.mumsnet.com">www.mumsnet.com</a>
<b>Working Families</b>	UK charity supporting working parents and carers and their employers find a better balance between responsibilities at home and work	<a href="http://www.workingfamilies.org.uk">www.workingfamilies.org.uk</a>





## Practice checklist: Pregnancy and maternity

### Providing goods, facilities and services

- ✓ Changes to housing benefit and local housing allowance which will take place from 2012 may adversely affect some parents. Make sure customers who have children are aware of how welfare benefits changes could affect them and plan to support them through these changes. Make use of resources such as Gingerbread's briefing on changes to housing benefit – [www.gingerbread.org.uk/uploads/media/17/7162.pdf](http://www.gingerbread.org.uk/uploads/media/17/7162.pdf)
- ✓ Support breastfeeding mothers by providing a welcoming environment for them. This might include a quiet room in which to express milk, and a fridge in which to store expressed breast milk).

### As an employer

- ✓ Support pregnant women and women with children by actively encouraging more flexible working patterns including part-time working, job-sharing and home based working
- ✓ Provide comprehensive advice for pregnant employees, which includes advice on statutory entitlements, company policy on pregnancy, maternity and paternity, flexible working policy; and sources of advice and support
- ✓ Consider joining the childcare voucher scheme: this is where employers can offer employees childcare vouchers to help with childcare costs – [www.hmrc.gov.uk/childcare](http://www.hmrc.gov.uk/childcare)
- ✓ Promote a positive approach to pregnancy and parenting in your organisation: this should embrace paternity and challenge low uptakes of paternity leave.

## 8. Race

Research from the University of Leeds indicates that the ethnic composition of the UK will change substantially over the period to 2051. It is estimated that the white population will reduce from 92 per cent to 79 per cent; and the black, Asian and minority ethnic population will increase from 8 per cent to 21 per cent.<sup>30</sup> Race affects individuals and communities in different ways, for example, there are:

- **High levels of unemployment among black African Muslims:** the 2001 census revealed high unemployment rates among black African Muslim men (28 per cent) and black African Muslim women (31 per cent).
- **High unemployment rates among UK-born ethnic minorities:** in both the 16-24 and 25-39 age groups, unemployment rates among UK born men and women from the black, Bangladeshi and Pakistani ethnic groups were more than twice as high as those of white British men and women.<sup>31</sup>

### Why is race important for housing?

Race is important for housing for a number of reasons:

- **Neighbourhood deprivation:** ethnic minority groups are over-represented in deprived neighbourhoods in England.<sup>32</sup>
- **Social housing customers:** there are high percentages of black and minority ethnic (BME) people living in social housing.
- **Overcrowding:** In 2001, 44 per cent of Bangladeshi and 42 per cent of black African households were overcrowded, 7 times the rate of overcrowding among white British households (6 per cent).
- **Negative perceptions of allocations:** research by the EHRC highlighted anxieties about the allocations process putting white British families

at a disadvantage.<sup>33</sup> This is despite counter evidence which shows less than 10 per cent of all existing social housing households in England have a foreign citizen as the household reference person.<sup>34</sup>

### Race and the Equality Act 2010

For the purposes of the Equality Act 2010, this refers to a person or a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. The Equality Act 2010 provides protection in employment and the provision of goods, facilities and services. The race equality duty is now incorporated into general equality duties which form part of the Public Sector Equality Duty of the Equality Act 2010. The Equality Act 2010 also includes a provision (s9(5)) to add caste to the current definition of race. The Act gives government power to activate this clause, but a decision making caste-based discrimination unlawful in UK has not yet been made.

### Legislation in Northern Ireland relating to race

- *Race Relations (Northern Ireland) Order 1997:* prohibits discrimination on the grounds of colour, race, nationality or ethnic or national origins (This also includes the Irish Traveller community).
- *Section 75 of the Northern Ireland Act 1988:* this places a duty on public bodies in Northern Ireland to have due regard to promote equality of opportunity between people of different racial groups.
- *Public Order (Northern Ireland) Order 1987:* identifies offences likely to stir up racial hate including threatening language or behaviour.

30 Wohland P et al (2010) *Ethnic Population Projections for the UK and Local Areas 2001-2051*, Leeds, University of Leeds

31 ONS (2006) National Statistics: news release, 5th October 2006 – [www.statistics.gov.uk/pdfdir/eth1006.pdf](http://www.statistics.gov.uk/pdfdir/eth1006.pdf)

32 EHRC (2010) *How Fair is Britain? Equality, human rights and good relations in 2010: the first triennial review*, London, EHRC

33 EHRC (2009) *Social Housing Allocation and Immigrant Communities*, London, EHRC

34 Vargas Silva C (2011) *Migrants and Housing in the UK*, Oxford, Migration Observatory

## Discrimination on the grounds of race and how to respond

A social landlord wants to set up a tenant scrutiny committee without ensuring that it communicates effectively with all sections of the community. The social landlord may also fail to translate online and paper-based information into languages which are spoken by its tenants. This may lead to minority groups not coming forward as prospective members of the tenant scrutiny committee or making disproportionately low use of services.

*Response:* there are a number of steps which can be taken:

- investigate barriers to participation and find ways to overcome them
- carry out equality analysis or an equality impact assessment
- provide resources for translation if required
- communicate with tenants through means appropriate to their wants and needs
- be aware of the needs BME groups may face in a predominantly white area and investigate and respond appropriately.



## Practice example

### Somali Financial Inclusion Project

Tower Hamlets Homes is committed to ensuring that its services are fair, inclusive and accessible to all. The Somali Financial Inclusion Project was developed to address disproportionately high rent arrears amongst Somali tenants living in Tower Hamlets. In-depth interviews with a sample of Somali residents and community groups revealed that many Somali tenants had not sought advice before their arrears got out of hand, and experienced difficulties engaging with Tower Hamlets Homes staff due to language and literacy barriers and a lack of trust.

As a result, Tower Hamlets Homes developed a partnership with two local Somali community organisations and carried out extensive engagement and outreach work specifically targeted at Somali tenants in arrears. Between January and April 2011, 71 Somali households had been supported, resulting in a £12k reduction in arrears overall. As a result, the number of Somali households in arrears has fallen, as has the average level of arrears for those in debt. Feedback from Somali residents has been highly positive and their tenancies more sustainable as a result. THH is now working to ensure that the lessons learned from the project are applied to other services.

**Contact:** James Caspell, Customer Insight Officer (Diversity)

[james.caspell@towerhamletshomes.org.uk](mailto:james.caspell@towerhamletshomes.org.uk)



## Practice example

### Southside Housing Association's Saffron Project

Southside Housing Association runs the Saffron project, commissioned by Glasgow City Council. The project provides support to address the social, cultural and emotional needs among young people from BME backgrounds. The project was set up in response to concerns over an increased level of homelessness among young BME communities. The project can provide temporary accommodation in a safe and secure environment for young people from BME backgrounds who are homeless or are threatened with homelessness. The project also provides a number of services to help the young people maintain tenancies including budgeting advice, maximising welfare benefits and tenancy maintenance.

**Contact:** Manager, Southside Housing Association  
[www.southside-ha.org](http://www.southside-ha.org)



### Finding out more

GHA (2011) *Housing Migrants and Refugees*, Glasgow, GHA

[www.housing-rights.info/Housing-Migrant-Workers-And-Refugees.pdf](http://www.housing-rights.info/Housing-Migrant-Workers-And-Refugees.pdf)

Perry J (2011) *UK Migration: the leadership role of housing providers*, York, JRF

[www.jrf.org.uk/publications/uk-migration-leadership-role-housing-providers](http://www.jrf.org.uk/publications/uk-migration-leadership-role-housing-providers)

Vargas Silva C (2011) *Migrants and Housing in the UK*, Oxford, Migration Observatory

[www.migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing%20-%20Migrants%20and%20Housing%20in%20the%20UK.pdf](http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing%20-%20Migrants%20and%20Housing%20in%20the%20UK.pdf)

El Hassan A A and Perry J (2010) *Integrated in Brent: a joint project between housing and refugee organisations*, Innisfree HA and Inquilab HA

Obtain from [www.innisfree.org.uk/downloads/IIB\\_OrderForm.pdf](http://www.innisfree.org.uk/downloads/IIB_OrderForm.pdf)

Perry J (2009) *Opening Doors: improving housing services for refugees and new migrants*, Coventry, CIH: available from CIH at [www.cih.org](http://www.cih.org)

CIH and HACT (2009) *Opening Doors Toolkit: improving housing services for refugees and new migrants*, Coventry, CIH at [www.cih.org](http://www.cih.org)

Perry J and Blackaby B (2007) *Community Cohesion and Housing: a good practice guide*, Coventry, CIH: available from CIH at [www.cih.org](http://www.cih.org)

Perry J (2005) *Housing and Support Services for Asylum Seekers and Refugees: a good practice guide*, Coventry, CIH/JRF

[www.jrf.org.uk/sites/files/jrf/1905018096.pdf](http://www.jrf.org.uk/sites/files/jrf/1905018096.pdf)



<b>BME Housing Plus</b>	Joint project in Wales supported by Taff Housing Association, Cadwyn Housing Association and Cardiff Community Housing Association to assist Black and Minority Ethnic (BME) service users in Cardiff	<a href="http://www.bmehousingplus.com">www.bmehousingplus.com</a>
<b>BME National</b>	Group of housing associations working in partnership with the NHF to influence national housing policy and provide a consultative and promotional platform for BME housing issues	<a href="http://blog.bmenational.org.uk">http://blog.bmenational.org.uk</a>
<b>Housing Rights</b>	Housing Rights website aims to provide information to recent arrivals and to advisers about entitlements to housing, based on people's immigration status	<a href="http://www.housing-rights.info">www.housing-rights.info</a>
<b>Institute of Community Cohesion (ICoCo)</b>	Not for profit organisation established in 2005 to provide address issues relating to race, diversity and multiculturalism	<a href="http://www.cohesioninstitute.org.uk">www.cohesioninstitute.org.uk</a>
<b>Housing Rights Scotland</b>	Provides information to recent arrivals and to advisers in Scotland about entitlements to housing, based on people's immigration status	<a href="http://www.housing-rights.info/scotland">www.housing-rights.info/scotland</a>
<b>Positive Action in Housing</b>	Scottish wide charity working with partners to enable people to have an equal chance to live in good quality, affordable and safe homes	<a href="http://www.paih.org">www.paih.org</a>
<b>Race for Opportunity</b>	Race for Opportunity is the race campaign from Business in the Community. It is committed to improving employment opportunities for ethnic minorities across the UK	<a href="http://www.bitcdiversity.org.uk">www.bitcdiversity.org.uk</a>
<b>Refugee Council</b>	Provides information and support for asylum seekers and refugees and lobbies UK government on issues affecting asylum seekers and refugees	<a href="http://www.refugeecouncil.org.uk">www.refugeecouncil.org.uk</a>
<b>Scottish Refugee Council</b>	An independent charity dedicated to providing advice, information and assistance to asylum seekers and refugees living in Scotland	<a href="http://www.scottishrefugeecouncil.org.uk">www.scottishrefugeecouncil.org.uk</a>
<b>Welsh Refugee Council</b>	Independent charity that empowers refugees to rebuild their lives in Wales	<a href="http://www.welshrefugeecouncil.org">www.welshrefugeecouncil.org</a>



## Practice checklist: Race

### Providing goods, facilities and services

- ✔ Be aware of new racial and ethnic groups within the area and investigate and respond to service needs
- ✔ Build positive relationships with ethnic minority community organisations and community advocates to build trust and to facilitate the involvement of people from under-represented racial and ethnic groups
- ✔ Consider the needs of more diverse black and minority ethnic (BME) communities, especially hidden or emerging migrant communities
- ✔ Employ a range of mechanisms for engaging different racial and ethnic groups in an area. Find out how different groups want to be engaged with. Respond to requests rather than translating literature or web-based material into community languages: it may not always be necessary to do this and this may not always be what groups and communities want
- ✔ Liaise with partner agencies which have specialist knowledge and skills in working with different ethnic groups
- ✔ Build community cohesion in neighbourhoods where you are the landlord: challenge negative perceptions, myths and stereotypes about different racial and ethnic groups and new arrivals to the UK.

### As an employer

- ✔ Strive to have a workforce which reflects the ethnic mix of the customer base and the areas served
- ✔ Consider making use of mentoring programmes which are run by CIH or HDN which can be used to support the professional development of BME staff
- ✔ Be positive about positive action.



## 9. Religion or belief

The 2001 Census identified 170 different religions in the UK. There were 41 million Christians in 2001, comprising 72 per cent of the population. 8.6 million people said they had no religion. Muslims were the largest non-Christian religious group – 1.6 million. Key features of religious belief in the UK include:

- **Ethnic groups are religiously diverse:** the Indian ethnic group is the most religiously diverse ethnic group: Hindu (45 per cent), Sikh (29 per cent), Muslim (13 per cent) and Christian (5 per cent).
- **Religious groups are ethnically diverse:** Muslims are the most ethnically diverse religious group (43 per cent are Pakistani, 17 per cent are Bangladeshi, 8 per cent are Indian, and 4 per cent white British).
- **Social and economic challenges affecting different religious groups:** for example, 18 per cent of Muslims aged 16 to 24 were unemployed.<sup>35</sup>

### Why is religion or belief important for housing?

Religion or belief is important for housing for a number of reasons:

- **Respecting individual preferences and behaviours:** religious or other beliefs influence preferences and behaviours, such as negotiating relationships between men and women, washing requirements and facilities and dietary needs for example. It is important for housing organisations to be sensitive to these in order to provide culturally appropriate services.
- **Religious conflict, sectarianism and discrimination:** e.g. in some areas of the UK (e.g. parts of Scotland and parts of Northern Ireland) a history of religious division between Catholic and Protestant Christian communities

has resulted in sectarianism and a lack of cohesion between different communities. In parts of the UK, anxieties about terrorism have resulted in discrimination against Muslims in some communities and this can damage good relations.

- **Balancing protected characteristics:** housing providers often express concern how to resolve potential or actual conflicts between staff and or between staff and customers over issues relating to sexual orientation, gender identity, race and religion or belief. Recent high-profile tribunal cases involving religion and belief and sexual orientation (e.g. *McFarlane v Relate Avon Ltd*) have raised concern among housing providers about how to manage potential conflicts between different protected characteristics.

### The Equality Act 2010 and religion or belief

The Equality Act 2010 defines a person who has a religion or belief as someone of any particular religion and 'belief' meaning any religious or philosophical belief (or lack of any particular belief). The term 'belief' is generally taken to refer to a non-religious belief such as atheism or humanism.

### Occupational requirement and religion or belief

In Schedule 9, paragraph 2, there are specific provisions which permit discrimination in relation to the protected characteristics of gender, gender reassignment, marriage, and civil partnership where the employment is 'for the purposes of an organised religion'. This exception is intended to cover a very narrow range of employment: e.g. ministers of religion. In schedule 9, paragraph 3, in relation to employment there are specific provisions which permit discrimination in relation to the protected characteristics of gender; gender reassignment;

<sup>35</sup> Cited in: Weller P (2011) *EHRC Research Report 73: Religious Discrimination in Britain: a review of research evidence, 2000-10*, London, EHRC

marriage; and civil partnership where the employer has 'an ethos based on religion or belief' and there is a genuine occupational requirement for an employee to be of a particular religion or belief. Paragraph 2 of Schedule 23 provides an exception for religious or belief-based organisations with regard to the provisions in the Equality Act 2010 relating to services and public functions, premises and associations.

### Legislation in Northern Ireland relating to religion or belief

- *Section 75 of the Northern Ireland Act 1998*: this places a duty on public bodies in Northern Ireland to have due regard to promote equality of opportunity between people of different religious belief and political opinion.
- *Section 76 of the Northern Ireland Act 1998*: makes it unlawful for a public authority to discriminate against a person on the grounds of religious belief or political opinion.
- *Fair Employment and Treatment (Northern Ireland) Order 1998*: makes it unlawful to discriminate against anyone on the grounds of religious belief or political opinion.

### Discrimination on the grounds of religion or belief and how to respond

A landlord decides to hold a meeting with tenants on a Friday afternoon. Refreshments are provided but there are insufficient vegetarian options. However, the landlord does not consider that Muslim tenants will not be able to attend because of Friday afternoon prayers. Also, some Buddhist, Sikh and Hindu tenants are not able to eat most of the meat options provided.

*Response*: collect information from tenants not just on ethnicity but on religion and belief, so that as a landlord you are more fully aware of tenants' needs when making decisions such as this one.



### Practice example

#### Gentoo encourages dialogue about religious beliefs and other protected characteristics

Gentoo have established an inter-faith staff network group and encourage dialogue with other staff network groups in the organisation. In addition, Gentoo have funded a member of their LGB network group to attend a Stonewall seminar on religion and sexual orientation. This person's experience was used to facilitate discussion within the network group, which was then used as a catalyst to open the debate up to all staff at the housing organisation.

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[Pam.walton@gentoogroup.com](mailto:Pam.walton@gentoogroup.com)



### Practice example

#### Christian and interfaith work for housing

Housing Justice is a Christian Charity working in the area of housing and homelessness. Housing Justice supports night shelters, drop-ins and practical projects nationwide by providing advice and training for churches and other community groups who work in housing and with homeless people. Housing Justice also supports partnerships with people of all faiths (and none) to provide housing solutions.

[www.fiah.org.uk](http://www.fiah.org.uk)



## Finding out more

BBC Religion Resources: including Faith calendars – [www.bbc.co.uk/religion](http://www.bbc.co.uk/religion)

Interfaith Network (2011) *Briefing Note: equalities legislation and human rights, requirements for religion and belief organisations*, Inter-faith Network

[www.interfaith.co.uk/publications/equalitybildec2010.pdf](http://www.interfaith.co.uk/publications/equalitybildec2010.pdf)

Weller P (2011) *EHRC Research report 73: Religious Discrimination in Britain: a review of research evidence, 2000-10*, London, EHRC

[www.equalityhumanrights.com/uploaded\\_files/research/research\\_report\\_73\\_religious\\_discrimination.pdf](http://www.equalityhumanrights.com/uploaded_files/research/research_report_73_religious_discrimination.pdf)

Samad Y (2010) *Muslims and Community Cohesion in Bradford*, York, JRF

[www.jrf.org.uk/publications/muslims-cohesion-bradford](http://www.jrf.org.uk/publications/muslims-cohesion-bradford)

Ghazala M (2010) *Women, Faith and Social Cohesion*, York, JRF

[www.jrf.org.uk/publications/women-faith-social-cohesion](http://www.jrf.org.uk/publications/women-faith-social-cohesion)

Hunt R (2009) *Religion and Sexual Orientation: how to manage relations in the workplace*, London, Stonewall

[www.stonewall.org.uk](http://www.stonewall.org.uk)

LGA (2008) *Local Authority Engagement with Faith Groups*, London, LGA

[www.lga.gov.uk/lga/aio/1297417](http://www.lga.gov.uk/lga/aio/1297417)

Perry J and El Hassan A (2004) *A Guide to Engaging Muslim Communities*, Coventry, CIH

[www.cih.org](http://www.cih.org)

<b>British Religion in Numbers (BRIN)</b>	University of Manchester project which evidences religious affiliation and attitudes in Britain	<a href="http://www.brin.ac.uk">www.brin.ac.uk</a>
<b>Interfaith</b>	Network to promote good relations between people of different faiths	<a href="http://www.interfaith.co.uk">www.interfaith.co.uk</a>
<b>Faithmatters</b>	Providing support on faith matters in the workplace, service delivery and public life	<a href="http://www.faithmatters.co.uk">www.faithmatters.co.uk</a>

**Practice checklist:  
Religion or belief****Providing goods, facilities and services**

- ✓ Ensure that staff and contractors working for your organisation understand how the religious beliefs and practices of customers may affect how they wish to be treated. Consult with service users who identify that they have a religious faith about how they wish to be treated. The following list is indicative only, but illustrates key issues you should be aware of in providing services sensitive to religious beliefs and practices. There are many other religions not included on this list.

Religion	Service issues to be aware of
<b>Buddhism</b>	<ul style="list-style-type: none"> <li>• <b>diversity:</b> there are different stands of Buddhism</li> <li>• <b>dietary requirements:</b> many Buddhists are vegetarian and may also avoid food made from other animal products</li> <li>• <b>social customs:</b> some Buddhist traditions do not encourage shaking hands</li> <li>• <b>in the home:</b> some Buddhists may have a shrine in their home and this should not be touched</li> <li>• <b>finding out more:</b> Network of Buddhism Organisations – <a href="http://www.nbo.org.uk">www.nbo.org.uk</a></li> </ul>
<b>Christianity</b>	<ul style="list-style-type: none"> <li>• <b>diversity:</b> Christianity is a diverse religion and followers will observe their faith in different ways. Because the UK has a Christian history, many of the social customs and practices which have developed are sensitive to Christian belief and practice (e.g. businesses closing on festivals such as Christmas and Easter). But be sensitive to the different ways in which different Christian groups practice their faith</li> <li>• <b>finding out more:</b> Christianity UK includes links to different Christian denominations – <a href="http://www.christianityonline.co.uk">www.christianityonline.co.uk</a></li> </ul>
<b>Hinduism</b>	<ul style="list-style-type: none"> <li>• <b>diversity:</b> Hinduism is very diverse and includes many different beliefs</li> <li>• <b>dietary requirements:</b> many Hindus are vegetarians and may avoid animal products</li> <li>• <b>social customs:</b> some aspects of Hindu society observe the caste system which places people in society according to their occupation. In the UK caste identity may still be strong among some Hindus and this will influence social relations. Some Hindus exercise codes of behaviour which regulate the relationship between men and women. Be sensitive if a Hindu woman does not want to shake hands with a man</li> <li>• <b>in the home:</b> some Hindus may have a shrine in their home and this should not be touched</li> <li>• <b>finding out more:</b> National Council of Hindu Temples – <a href="http://www.nchtuk.org">www.nchtuk.org</a></li> </ul>

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## Islam

- **prayer times:** observant Muslims have compulsory prayers 5 times a day: do not visit Muslim homes at these times and do not touch prayer mats
- **dietary requirements:** in Islam, pork is strictly forbidden and Muslims only eat Halal meat which is ritually slaughtered and must not be cooked or stored with non Halal food. Some Muslims abstain from drinking alcohol: be sensitive around organising events which involve alcohol or meeting in a pub
- **festivals:** during the religious festival of Ramadan, Muslims abstain from eating and drinking between dawn and dusk. This festival is based on a lunar calendar and so dates change: be sensitive around organising events which involve food and drink during Ramadan
- **social customs:** some Muslims identify strict codes of behaviour which regulate the relationship between men and women: be sensitive to these cultural requirements: e.g. organising single sex events if requested. Be sensitive if a Muslim man does not want to shake-hands with a woman or a Muslim woman does not want to shake hands with a man
- **dress codes:** some Muslim women wear a veil (hijab) or a burqa (Niqab) which completely covers their body in public places: a Muslim woman wearing a hijab or a Niqab should never be asked to remove them
- **in the home:** some Muslims will remove their shoes when entering a home: be sensitive to this custom. If health and safety requirements do not permit you to do this, consider offering to use plastic over-shoes
- **discrimination:** research shows that Muslims in the UK often experience Islamophobia and discrimination: be aware of this and respond appropriately in the communities in which Muslims live
- **finding out more:** Muslim Council of Britain – [www.mcb.org.uk](http://www.mcb.org.uk)

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## Judaism

- **diversity:** Judaism is a diverse religion and followers will observe their faith in different ways
  - **prayer times:** Orthodox Jews pray three times a day so be sensitive to this when organising home visits
  - **dietary requirements:** observant Jews will only eat kosher meat (specially prepared meat) and the eating of pork or shellfish is not permitted. Orthodox Jews cannot eat meat and dairy products together
  - **discrimination:** research shows that Jews in the UK often experience anti-Semitism and discrimination: be aware of this and respond appropriately in the communities where Jewish people live
  - **finding out more:** Judaism online – <http://judaismonline.org.uk>
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**Sikhism**

- **dietary requirements:** the eating of beef is not permitted. Many Sikhs are vegetarians
  - **dress codes:** Sikh men wear a head covering called Turban and a Sikh man should never be asked to remove this. Observant Sikhs also carry on their person 'the 5 K's' which are an outward sign of their faith: Kesh (uncut hair), Kara (a steel bracelet), Kanga (a wooden comb), Kaccha (cotton underwear) and Kirpan (small ceremonial dagger). Sikhs should not be asked to remove these and they should not be touched
  - **social customs:** Sikhs usually make use of three names: a personal name and a title: Kaur (princess) for a woman and Singh (lion) for a man. Be sensitive to this when recording customer details and addressing Sikh customers
  - **finding out more:** Network of Sikh Organisations UK – [www.nsouk.co.uk](http://www.nsouk.co.uk)
- 

**As an employer**

- ✓ Facilitate dialogue between staff and service users around issues relating to different protected characteristics, for example: sexual orientation, gender identity and race
- ✓ Offer flexible working patterns which are sensitive to religious observance.



## 10. Sex

In 2007 there were 31 million women and 29.9 million men in the UK. Sex discrimination results in unequal outcomes for men and women. For example, despite the fact that there are more women living in the UK than men:

- The gender pay gap for full-time men and women is 10.2 per cent.<sup>36</sup>
- Women make up 72 per cent of public sector workers who earn less than £21,000 a per annum.
- The average woman's individual income is £180 per week which is less than two thirds of the average man's income at £281 per week. The figures are lower for black and minority ethnic minority women: approximately 50 per cent of Asian British, Pakistani and Bangladeshi women have individual incomes of below £100 per week.<sup>37</sup>
- Women are under-represented in senior leadership and management roles in the UK: in 2010 only 12.5 per cent of directors of FTSE 100 companies were women.<sup>38</sup> Only 11 per cent of construction jobs are held by women and men are under-represented in education, administrative and health and social care roles.

### Why is sex important for housing?

Sex is important for housing for the following reasons:

- **Home ownership:** in 2006, men were more likely than women to own their home, with women being more likely to rent their homes from the social sector and to be accepted as homeless.<sup>39</sup>
- **Domestic abuse:** in 2009-10 women were the victims of 73 per cent of all reported domestic abuse incidents.<sup>40</sup>
- **Leadership:** the Leadership 2010 initiative, launched in 2003, was a housing sector led

programme to increase from 12 per cent to 50 per cent the number of women in the leadership of the top 200 housing associations by 2010. By 2011, National Housing Federation data shows that 21 per cent of board chairs, and 21.5 per cent of chief executives are now women. You can see the full report at [www.eukn.org/E\\_library/Housing/Housing/Leadership\\_2010\\_%E2%80%93\\_93\\_The\\_Way\\_Forward](http://www.eukn.org/E_library/Housing/Housing/Leadership_2010_%E2%80%93_93_The_Way_Forward)

### Sex and the Equality Act 2010

The Equality Act 2010 provides protection against discrimination, harassment and victimisation on the grounds of sex and this applies to men and women. The general equality duty which forms part of the Public Sector Equality duty has replaced the gender equality duty for public sector providers.

The Equality Act 2010 now gives men and women the right to equal pay for undertaking the same employment. The Equality Act 2010 also makes it unlawful for employers to prevent employees from discussing their pay rates or from inserting pay secrecy clauses into a contract.

### Legislation in Northern Ireland relating to sex

- *Section 75 of the Northern Ireland Act 1988:* this places a duty on public bodies in Northern Ireland to have due regard to promote equality of opportunity between men and women.
- *The Sex Discrimination (Northern Ireland) Order 1976:* this prohibits discrimination and harassment on the grounds of sex.

<sup>36</sup> Annual Survey of Hours and Earnings 2010 – [www.homeoffice.gov.uk/equalities/women](http://www.homeoffice.gov.uk/equalities/women)

<sup>37</sup> Cited in *Inside Housing* (2011) 'Ladies First', 11th February 2011 – [www.insidehousing.co.uk//6513635.article](http://www.insidehousing.co.uk//6513635.article)

<sup>38</sup> Female FTSE Report 2010: cited – [www.homeoffice.gov.uk/equalities/women](http://www.homeoffice.gov.uk/equalities/women)

<sup>39</sup> National Statistics (2008) – [www.statistics.gov.uk/CCI/nscl.asp?ID=7503](http://www.statistics.gov.uk/CCI/nscl.asp?ID=7503) cited 20/09/10

<sup>40</sup> 2009 – 2010 British Crime Survey data

## Discrimination on the grounds of sex and how to respond

In planning and designing a new scheme a housing organisation fails to consult women on their preferences and needs, e.g. regarding street lighting, the height and size of street furniture, open versus closed spaces and alleyways. The requirements of Muslim women and disabled women are also overlooked.

*Response:* when planning and designing housing, use resources such as the Women's Design Service [www.wds.org.uk](http://www.wds.org.uk) or Gender Site [www.gendersite.org](http://www.gendersite.org) and make sure consultation is accessible to and actively includes people of different genders.



### Practice example

#### Opportunities for women at Genesis Housing Association

In 2011 Genesis Housing Association was identified as one of The Times' top 50 employers for women. 40 per cent of senior managers at Genesis are women, and this represents an increase from 14 per cent in 2008. Genesis has achieved this through the delivery of 'women into senior management' seminars. These seminars have advice on interview skills, developing confidence and networking. Genesis has implemented follow-up schemes including mentoring. Genesis also profiles women role models to show that positive action initiatives are effective.

**Contact:** Kulbir Shergill: Deputy Director of Diversity and Inclusiveness  
[kulbir.shergill@genesisha.org.uk](mailto:kulbir.shergill@genesisha.org.uk)



### Practice example

#### Metropolitan Housing Partnership (MHP): supporting gay men escaping domestic violence or homophobic abuse

MHP recognises that domestic violence affects men also and that same sex domestic violence is also a challenge. It has established a gay men's shared housing project which provides medium-term accommodation-based support to gay men who have been the victims of domestic or homophobic abuse/violence. The project is UK wide.

**Contact:** Richard Coulson, Gay Mens Shared Housing Project Manager, or Andy Meekings, Senior Support Worker on 020 3535 4500



### Practice example

#### HDN's Glass Forward programme

HDN has launched a 'glass forward' mentoring programme, which matches women mentees, all of whom already work in senior management positions, with chief executives to help them break down any self-imposed barriers preventing them from taking the next career step.

**Contact:** Housing Diversity Network (HDN)  
[www.housingdiversitynetwork.co.uk](http://www.housingdiversitynetwork.co.uk)



## Finding out more

*Inside Housing* (2011) 'Women on Top', 11th February 2011

[www.insidehousing.co.uk//6513633.article](http://www.insidehousing.co.uk//6513633.article)

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Barron J (2009) *Survivor's Handbook*, London, Women's Aid

[www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=0001000100080001](http://www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=0001000100080001)

Equality Commission for Northern Ireland (2004) *Sex Discrimination and Equal Pay: a short guide*, Belfast, ECNI

[www.equalityni.org/archive/pdf/SexEqPayFinSG.pdf](http://www.equalityni.org/archive/pdf/SexEqPayFinSG.pdf)

<b>Fawcett Society</b>	Leading campaign for equality between men and women	<a href="http://www.fawcettsociety.org.uk">www.fawcettsociety.org.uk</a>
<b>H4W: Housing for Women</b>	Social landlord providing homes for women living in London who are in the greatest housing need	<a href="http://www.h4w.co.uk">www.h4w.co.uk</a>
<b>Rights for Women</b>	A women's voluntary organisation committed to informing, educating and empowering women concerning their legal rights	<a href="http://www.rightsofwomen.org.uk">www.rightsofwomen.org.uk</a>
<b>The UKRC</b>	Leading organisation challenging the under-representation of women in science, engineering, technology and the built environment	<a href="http://www.theukrc.org">www.theukrc.org</a>
<b>Think, Act, Report</b>	The government has worked with partners to develop a voluntary framework for gender equality reporting	<a href="http://www.homeoffice.gov.uk/equalities/women/women-work/gender-equality-reporting">www.homeoffice.gov.uk/equalities/women/women-work/gender-equality-reporting</a>
<b>Women in Social Housing</b>	A group which encourages women to choose careers in the affordable housing and construction sectors; and addresses career progression for women already in these sectors	<a href="http://www.wishgb.co.uk">www.wishgb.co.uk</a>
<b>Women's Aid</b>	National charity working to end domestic abuse against women and children	<a href="http://www.womensaid.org">www.womensaid.org</a>
<b>Women's Budget Group</b>	UK organisation promoting gender equality through economic and social policy	<a href="http://www.wbg.org">www.wbg.org</a>
<b>Women's Resource Centre</b>	Provides training, advice and support to women's organisations and campaigns on key issues for the sector	<a href="http://www.wrc.org.uk">www.wrc.org.uk</a>



## Practice checklist: Sex

### Providing goods, facilities and services

- ✓ Communicate a zero-tolerance approach to discrimination on the grounds of sex to tenants, residents, contractors and staff
- ✓ Raise awareness of gender issues and gender stereotyping amongst tenants, residents, contractors and staff
- ✓ Set challenging and realistic gender equality goals and objectives and consult and involve stakeholders in the process
- ✓ Be creative and proactive in designing, implementing and reviewing equality action plans which focus on equality between women and men and consider different impacts on women and men when designing and delivering services: monitor and act on the results.

### As an employer

- ✓ Be positive about positive action for women if they are under-represented in different roles in your organisation and work with a range of partners to achieve it
- ✓ Consider establishing women's networks to facilitate mentoring, support, networking and feedback from women members of staff
- ✓ Be flexible around employment practices: e.g. work schedules or other work practices which will support women and men who may have families and caring responsibilities. Consider opportunities for job sharing and part-time working which will also support women and men who have caring responsibilities
- ✓ Be equitable, fair and transparent about rates of pay within the workplace.

# 11. Sexual orientation

Sexual orientation is a combination of emotional, romantic, sexual or affectionate attraction to another person. A person can have a sexual orientation to members of the opposite sex, members of the same sex or both sexes. It is not the same as sex or gender. Over the past five years new laws have come into being which prohibit discrimination and require public bodies to promote equality for lesbian, gay and bisexual (LGB) people. Alongside this, public attitudes have become more positive about diversity in terms of sexual orientation.

## Why is sexual orientation important for housing?

There are a number of reasons why a person's sexual orientation impacts on their housing experiences:

- **Perceptions of unfavourable treatment in housing services:** a 2007 Stonewall poll showed 20 per cent of LGB people expected to be treated less favourably than a straight person when applying for social housing.
- **Hate crime and harassment in homes and communities:** Stonewall found 20 per cent of LGB people had been the victim of one or more 'hate crimes' in the past three years.<sup>41</sup>
- **Family rejection:** a 2005 Stonewall Housing and Shelter publication<sup>42</sup> showed that some young people who present themselves as homeless have been thrown out of their family home because they are gay, lesbian or bisexual.
- **Need for better data on the housing needs of LGB people:** historical discrimination means many LGB people have been reluctant to articulate their needs or have been marginalised in the consultation processes.<sup>43</sup>

## Sexual Orientation and the Equality Act 2010

In the provision of goods, facilities and services, the Equality Act 2010 prohibits discrimination and victimisation on the grounds of sexual orientation. It does not however, prohibit harassment on the grounds of sexual orientation. It is argued that specific actions which might be considered harassment on the grounds of sexual orientation may also be viewed as examples of other forms of discrimination or victimisation which are covered by the Equality Act 2010.

### Legislation in Northern Ireland relating to sexual orientation

*The Employment Equality (Sexual Orientation) Regulations (NI) 2003* make it unlawful for employers and others to discriminate on the grounds of sexual orientation in areas of employment and vocational training.

*The Equality Act (Sexual Orientation) regulations (NI) 2006* make it unlawful for service providers to discriminate against people because of their sexual orientation in the provision of goods, facilities and services.

## Discrimination on the grounds of sexual orientation and how to respond

A male resident in a sheltered housing scheme refuses support services from a lesbian member of staff because he says she is 'a dyke'.

*Response:* when dealing with customers, your organisation should make clear its commitment to LGB equality and should support the member of staff being discriminated against by a customer.

41 Hunt R and Dick S (2007) *Serves You Right: lesbian and gay people's expectations of discrimination*, London, Stonewall

42 Stonewall Housing/ Shelter (2005) *Meeting the Needs of Homeless Lesbian and Gay Youth*, London, Shelter

43 HCA (2009) *Diverse Intentions: our single equality scheme: (P53)*



## Practice example

### Knowsley Housing Trust (KHT) training staff to ask about sexual orientation

KHT sees monitoring and customer profiling as a valuable tool for finding out about the diversity of customers. At KHT all staff have been trained around customer profiling with an extended section on asking people about their sexual orientation and why it's important for housing.

#### Training for staff: Sexual Orientation – asking the question

- The best way to ask a customer their sexual orientation is to bring it up as part of a list of equal opportunities monitoring questions, so that the customer knows they have not been singled out.
- Staff should give a brief explanation of the reasons for asking and makes it clear that all customers are asked the same questions e.g:
  - the organisation uses the information to make sure that it behaves in a fair way to all clients
  - if patterns appear, the organisation will use the information to plan its services
  - the information will be completely confidential
  - staff should ask the question in a direct and jargon-free manner, for example: 'How would you define your sexual orientation? Lesbian, gay, bisexual, heterosexual, or unsure?'

- Staff should appear comfortable and confident about asking the question. If the staff member is uncomfortable, this will discourage disclosure.
- Staff should not make a joke of asking about sexual orientation.

**Contact:** Helen Lacey  
Helen.Lacey@k-h-t.org



## Practice example

### Berneslai Homes Partnership with Barnsley LGBT Forum

Berneslai Homes has formed a partnership with Barnsley Lesbian, Gay, Bisexual and Transgender (LGBT) Forum. The partnership agreement sets out how the two organisations can support each others work with the LGBT community in Barnsley. The agreement includes details of the kind of support the organisations can offer each other. Berneslai Homes recognises that LGBT people can experience prejudice and discrimination through a lack of understanding or tolerance, and wants to work with the community to improve relationships across the whole of the community. Berneslai Homes has also supported Barnsley Gay Pride. You can view a copy of the partnership agreement at:

[www.berneslaihomes.co.uk/0xac16000b\\_0x0054eae6](http://www.berneslaihomes.co.uk/0xac16000b_0x0054eae6)

**Contact:** Tony Griffiths  
tonygriffiths@berneslaihomes.co.uk

#### Finding out more

Thornhill J (2011) *Delivering Housing Services to Lesbian, Gay, Bisexual and Transgender Customers*, Coventry, CIH – [www.cih.org](http://www.cih.org)

Stonewall, Stonewall Housing and the Albert Kennedy Trust (2010) *The Housing Guide for Lesbian, Gay and Bisexual people*, London, Stonewall, Stonewall Housing and AKT  
[www.stonewall.org.uk/at\\_home/housing\\_and\\_homelessness/3837.asp](http://www.stonewall.org.uk/at_home/housing_and_homelessness/3837.asp)





Metropolitan Support Trust (2009) *Over Not Out: the housing and homeless issues specific to lesbian, gay, bisexual and transgender asylum seekers*, London, MST – [www.refugeesupport.org.uk](http://www.refugeesupport.org.uk)

Tai Pawb (2009) *Good Practice Briefing 24: Lesbian, Gay and Bisexual (LGB) Equality and Housing*, Cardiff, Tai Pawb

Browne K with Davis P (2008) *Housing: additional findings report: Count Me In Too: LGBT lives in Brighton and Hove*, Brighton, University of Brighton and Spectrum  
[www.spectrum-lgbt.org/cmiToo/06/Download.htm](http://www.spectrum-lgbt.org/cmiToo/06/Download.htm)

Hunt R and Dick S (2007) *Serves You Right: lesbian and gay people's expectations of discrimination*, London, Stonewall – [www.stonewall.org.uk/documents/servesyouright.pdf](http://www.stonewall.org.uk/documents/servesyouright.pdf)

<b>Albert Kennedy Trust</b>	Charity supporting LGBT homeless young people	<a href="http://www.akt.org.uk">www.akt.org.uk</a>
<b>Equality Network</b>	Works for lesbian, gay, bisexual, transgender (LGBT) equality and human rights in Scotland	<a href="http://www.equality-network.org">www.equality-network.org</a>
<b>Galop</b>	Works to prevent and challenge homophobic and transphobic hate crime in Greater London.	<a href="http://www.galop.org.uk">www.galop.org.uk</a>
<b>Gay and Lesbian Youth Northern Ireland (GLYNI)</b>	Advice and services for the LGBT community in Northern Ireland	<a href="http://glyni.org.uk">http://glyni.org.uk</a>
<b>Gaydio</b>	The UK's first and only FM radio service for the LGBT community	<a href="http://www.gaydio.co.uk">www.gaydio.co.uk</a>
<b>LGBT Excellence Centre Wales</b>	A social enterprise and a charity that promotes equality, diversity and human rights through connecting people and organisations and that focuses on developing collaborative models for delivering LGBT equality	<a href="http://www.ecwales.org.uk">www.ecwales.org.uk</a>
<b>Lesbian and Gay Foundation</b>	Manchester based organisation providing information for LGBT communities	<a href="http://www.lgf.org.uk">www.lgf.org.uk</a>
<b>Rainbow Mark</b>	An equality mark sponsored by the Welsh Government and supported by the Welsh Local Government Association and Tai Pawb	<a href="http://www.lgbtec.org.uk">www.lgbtec.org.uk</a>
<b>LGBT Youth Scotland</b>	A national youth organisation working towards the inclusion of LGBT young people in Scotland	<a href="http://www.lgbtyouth.org.uk">www.lgbtyouth.org.uk</a>



<b>Stonewall Stonewall Cymru Stonewall Scotland</b>	Charity working for LGB equality in England and LGBT equality in Scotland and Wales	<a href="http://www.stonewall.org.uk">www.stonewall.org.uk</a> <a href="http://www.stonewallcymru.org.uk">www.stonewallcymru.org.uk</a> <a href="http://www.stonewallscotland.org.uk">www.stonewallscotland.org.uk</a>
<b>Stonewall Housing</b>	Charitable housing association providing housing advice, advocacy and support to LGBT people	<a href="http://www.stonewallhousing.org">www.stonewallhousing.org</a>



### Practice checklist: Sexual orientation

#### Providing goods, facilities and services

- ✓ The services your organisation delivers should reflect the diversity of customers and be responsive to their different needs. 5 to 7 per cent of your customers will be LGB and this is likely to be higher in urban areas where customers are seeking to access homelessness services or housing support
- ✓ Evidence shows LGB people perceive they will receive a worse experience in terms of their service provision from social housing providers. This may not reflect reality, but how existing and future service users 'perceive' your organisation is important in terms of customer satisfaction
- ✓ Make use of community advocates or local LGB groups to build up trust between your organisation and LGB customers
- ✓ Monitor your service users for sexual orientation, but be mindful that this needs to be done sensitively, information gathered should be treated in strictest confidence; and where necessary use community advocates to build capacity
- ✓ LGB people do experience real and evidenced risks of being the victims of 'hate incidents' and domestic abuse in their homes and in the communities in which you work: plan to tackle and respond to 'hate incidents'.

#### As an employer

- ✓ Strive to being a diverse and representative employer: 5 to 7 per cent of people in the communities from which you recruit will be LGB and this is likely to be higher in urban areas
- ✓ Be clear about your business reasons for working towards LGB equality and communicate why this is important at a governance, management, staff and tenant level
- ✓ Get high profile buy-in from the top of your organisation for LGB equality
- ✓ Provide training and information for staff and tenants about LGB equality: challenge myths and stereotypes and make clear the legal, business, and organisational drivers for LGB equality
- ✓ Consider joining the Stonewall Diversity Champions programme to develop and share good practice
- ✓ Make a clear organisational commitment to staff, customers and suppliers that your organisation has zero tolerance for homophobia and biphobia
- ✓ Consider adopting a supplier or procurement policy so suppliers and partner organisations fully comply with your policies and practices on LGBT equality.

## 12. Tackling hate incidents and anti-social behaviour

People who have a protected characteristic may be vulnerable to harassment and hate incidents in their communities. Social landlords need to be vigilant and responsive to this. The Association of Chief Police Officers (ACPO) distinguishes between a hate incident and a hate crime.

- A **hate incident** is: *'any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate'*
- A **hate crime** is defined specifically as: *'any incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate'*

This section contains examples of different ways in which housing providers have been working in partnership to tackle hate incidents.



### Practice example

#### Safeguarding disabled people from disability related harassment and hate incidents

##### PIP Pack in Action

Led by people with learning difficulties PIP Pack in Action works in partnership with the police and other services to stop bullying, harassment, abuse and hate crime in Herefordshire. They have developed a Keep Safe scheme where shops and local businesses can display a sticker in their window to show they are a place of refuge where someone with a learning difficulty can get help if they feel threatened.

[www.pippack.org/default.asp](http://www.pippack.org/default.asp)

#### Multi Agency Data Exchange (MADE) in Lancashire

The MADE project collects and processes data on behalf of all the agencies responsible for working towards a safer Lancashire. The team publish community safety profiles of wards and other small areas. This intelligence informs the commissioning of community safety services, the evaluation of initiatives, monitoring of progress and service planning.

**Contact:** [MADE@lancashire.gov.uk](mailto:MADE@lancashire.gov.uk)



### Practice example

#### Northwards Housing: Tackling hate crime leaflet

Northwards Housing believe that it is the right of every individual to be treated with respect and dignity, and to live in an environment free from harassment, hatred and abuse. Northwards Housing takes a zero tolerance approach to all forms of hate crime or incident. They have produced a leaflet for tenants giving them advice on what to do if they experience a hate incident and how the social landlord will tackle on hate incidents. This is also available in Braille, large print, different languages and on CD.

[www.northwardshousing.co.uk/news\\_publications/publications/pdf/pub/2010leaflets/asb/hate\\_incident.pdf](http://www.northwardshousing.co.uk/news_publications/publications/pdf/pub/2010leaflets/asb/hate_incident.pdf)





## Practice example

### Tackling hate crime in Cardiff

Cardiff Council has developed comprehensive policies and procedures for dealing with racial and homophobic harassment in its housing estates. Key principles set out in the document include a commitment to investigating all cases, however isolated; adopting a victim-centred approach through an acceptance that an initial report is racial or homophobic harassment if the victim so defines it (and until further investigations prove otherwise) and a commitment that those suffering harassment will be encouraged to play their full part in taking action to deal with it. Four key elements are emphasised:

- dealing with each case in the timescale specified
- ensuring case notes are up to date and comprehensive
- ensuring everyone is kept informed at each key stage
- ensuring that appropriate action is taken at the right time.

The document includes a checklist for immediate action and good practice 'do's and don'ts' for interviewing the alleged perpetrator. The procedure has recently been updated and is now called the 'Racial, Homophobic and Disabilist Procedure'.<sup>44</sup>

**Contact:** Heather Price  
heprice@cardiff.gov.uk

### Finding out more

Stonewall (2010) *Blow the Whistle on Gay Hate Crime*, London, Stonewall  
[www.stonewall.org.uk/documents/stonewall\\_gay\\_hate.pdf](http://www.stonewall.org.uk/documents/stonewall_gay_hate.pdf)

The Crown Prosecution Service (CPS) has produced a policy for tackling homophobic and transphobic hate crime. You can download this guide from:

[www.cps.gov.uk/publications/docs/htc\\_policy.pdf](http://www.cps.gov.uk/publications/docs/htc_policy.pdf)

Home Office (Police Standards Unit) (2005) *Hate Crime: delivering a quality service*, London, Home Office

[www.bedfordshire.police.uk/pdf/tacticalguidance.pdf](http://www.bedfordshire.police.uk/pdf/tacticalguidance.pdf)

Wales Social Landlords Anti Social Behaviour Forum (2009) *Tackling Hate Incidents: a toolkit for social landlords in Wales*, Wales Social Landlords Anti Social Behaviour Forum, HouseMark and Social Landlords Crime and Nuisance Group

<http://resources.cohesioninstitute.org.uk/Publications/Documents/Document/DownloadDocumentsFile.aspx?recordId=117&file=PDFversion>



<sup>44</sup> Cited CIH (2009) *Key Information Issue 10 Equality and Diversity: understanding policy – promoting good practice*, Cardiff, CIH Cymru

<b>Broken Rainbow</b>	LGBT domestic violence organisation	<a href="http://www.broken-rainbow.org.uk">www.broken-rainbow.org.uk</a>
<b>LGBT Domestic Abuse Project</b>	Funded by the Scottish Government	<a href="http://www.lgbtdomesticabuse.org.uk">www.lgbtdomesticabuse.org.uk</a>
<b>Stop Hate UK</b>	A charity that provides independent and confidential support to people affected by hate crime	<a href="http://www.stophateuk.org">www.stophateuk.org</a>
<b>Threshold Gay Men's Shared Housing</b>	Offers support and housing for gay men escaping domestic or homophobic violence	<a href="http://www.stonewallhousing.org">www.stonewallhousing.org</a>



### Practice checklist: Tackling hate incidents

- ✓ Include a clause in tenancy agreements which specifically prohibits harassment on the grounds of the 9 protected characteristics
- ✓ Work in partnership with local agencies (e.g. the police, social services, Primary Care Trusts, schools, community advocates, etc.) to identify and to map hate incidents
- ✓ Display posters, leaflets and place information on your website to communicate a zero-tolerance approach to harassment and hate incidents and state clearly the action you will take against perpetrators
- ✓ Allocations, lettings and transfers policies and procedures should minimise the risk to individuals of harassment and hate incidents
- ✓ Ensure inclusive and representative tenant participation structures which can contribute to tackling harassment and hate incidents
- ✓ Encourage and support the reporting and monitoring of harassment and hate incidents and develop partnerships to support this
- ✓ In consultation with service users and partners, develop and implement a protocol for sharing information about harassment, hate incidents and perpetrators with other local agencies within the limits of the Data Protection Act 1995
- ✓ Make use of community advocates and representative groups to raise awareness among staff, tenants and service users of the needs and experiences of different sections of the community who may be vulnerable to harassment and hate incidents
- ✓ Refer victims of racial harassment to effective and sensitive counselling services and should protect victims and witnesses where threats of violence are made against them
- ✓ Provide safe temporary housing for victims and witnesses of harassment and hate incidents if they fear for their immediate safety. Permanent transfers should be offered if there is no prospect that a victim can return to their own home safely
- ✓ Provide training for staff in understanding harassment and hate incidents and in meeting the support needs of victims and witnesses
- ✓ Monitor and assess the satisfaction of customers in terms of how they perceive your organisation has dealt with reports of harassment and hate incidents; and respond accordingly.

## Glossary of key terms

### ALMO

A UK not-for-profit company set up by a local authority primarily to manage and improve all or part of their housing stock.

### Assistive technology

A range of technology, mainly electronic which is used to monitor or enable people. It can also be used to eliminate risks in the home: for example by falling.

### Asylum seeker

A person from abroad who has applied for asylum in the UK, but who's case has not yet been accepted. Once this has happened, they become refugees and will be given long-term leave to remain in the UK.

### Belief

This is a religious or philosophical belief which also includes non-religious beliefs e.g. humanism.

### Biphobia

The irrational fear, hatred, and discriminatory treatment of people who are bisexual.

### Bisexual

A person who is physically, romantically or emotionally attracted to men and women.

### Community cohesion

The active involvement and development of diverse communities.

### Disabledism

Negative attitude of otherness and inferiority attributed to persons seen or deemed as disabled in and by society.

### Discrimination

Making a positive or negative judgement about someone based on bias, assumptions or prejudice. Discrimination can either be direct or indirect: *Direct discrimination*: When you treat someone unfairly or differently just because they belong to a particular group of people. For example, if an employer refuses to employ someone just because they are a woman.

*Indirect discrimination*: When you treat someone the same way as everyone else but, doing this disadvantages more people from one group than other groups.

### Discrimination arising from a disability

Under the Equality Act 2010, discrimination arising from a disability involves treating a person unfavourably because of something arising in consequence of their disability unless such treatment can be reasonably justified.

### Diversity

An appreciation that each individual is unique giving recognition to individual differences. An appreciation of diversity moves beyond simple tolerance to embracing and celebrating diversity as beneficial for communities, wider society and the economy.

### Equal opportunity

Not excluding individuals from the activities of the society in which they live: for example, employment, education and health care. This also includes positive action and capacity building. Simply removing barriers does not always provide equal opportunities.

### Equality Impact Assessment

This is a systematic analysis of the potential or actual effects of a policy or practice or service provision to assess whether it has a different impact on different groups of people.

### Gender

The different social or cultural roles attached to being a man or a woman.

### Gender dysphoria

Anxiety, uncertainty or persistently uncomfortable feelings experienced by an individual about their assigned gender which is in conflict with their gender identity.

### Gender identity

This phrase refers to a person's inner sense of knowing that they are a man or a woman.



### Gender reassignment

This refers to the process of transitioning from the gender assigned at birth to the gender the person identifies with.

### Glass ceiling

A phrase used to describe the barriers which people feel are in place which prevent women and other minority groups from being promoted. The phrase 'double-glazed glass ceiling' is sometimes used to refer to barriers which exist for lesbians.

### Harassment

Attention or behaviour by an individual or a group which is unwanted by the person or group against whom it is directed.

### Hate crime

A hate incident, which constitutes a criminal offence, is perceived by the victim or any other person, as being motivated by prejudice or due to a protected characteristic, background or culture.

### Hate incident

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

### Heterosexism

Discrimination directed against non-heterosexual behaviour. This can be because of cultural or social prejudice against LGB people.

### Homophobia

An irrational fear of, or prejudice and discrimination against, gay men, bisexuals and lesbians.

### Independent living

Independent living aims at empowering people with a disability to live in their own homes with support.

### Institutional Racism

The failure to provide at an organisational or institutional level an appropriate and professional

service to people because of their colour, culture or ethnic origin.

### Independent living

This term refers to disabled people having choice and control over the support they need to go about their daily lives and any practical assistance people need should be based on their own choices and aspirations.

### Islamophobia

An irrational fear of, or prejudice and discrimination against Islam and Muslims.

### Lifetime Homes Standard

These standards incorporate 16 design standards that apply to homes and require that homes are designed to be both accessible and adaptable to the changing needs of people at different stages of their lives.

### Long-term

For the purposes of the Equality Act 2010 long-term means that the effect of an impairment (mental or physical) has lasted or is likely to last for at least twelve months (with reference to disability).

### Medical model of disability

This model of disability seeks to explain disability by focusing on the disabled person's impairment: seeing it as a 'problem' that requires diagnosis and medical treatment.

### Mental impairment

This refers to a condition which impacts on mental functioning: e.g. a learning disability.

### Normal day-to-day

For the purposes of the Equality Act 2010 normal day-to-day activities include eating, washing, walking and going shopping (with reference to disability).

### Positive action

Lawful measures used by an organisation to address under representation of particular groups. For example,

schemes to encourage more women to work in building and construction.

### Physical impairment

This refers to a condition which affects the body, e.g. sight or hearing loss or a condition which affects mobility.

### Prejudice

Where a view about someone is based on a lack of knowledge, a pre-conceived idea or on social pressure.

### Queer

Originally this was a derogatory term used to verbally abuse LGBT people. Now, however, the word queer is sometimes used by some LGBT people to identify themselves.

### Reasonable adjustments

Under the Equality Act 2010, a reasonable adjustment is a reasonable step which is taken to prevent a disabled person suffering a substantial disadvantage compared with people who are not disabled.

### Sexism

Attitudes or actions which discriminate against women and men purely on the grounds of their sex or gender.

### Sexual orientation

A combination of emotional, romantic, sexual or affectionate attraction to another person.

### Sexuality

A word which refers to how men and women express themselves as sexual beings.

### Social model of disability

This model of disability argues that the way in which society organises housing, access and services discriminates against disabled people. The social model recognises that society has a responsibility to break down obstacles created by society and social attitudes towards disabled people.

### Stereotypes

A generalised or one-sided view of an individual or a group based on limited impressions or pre-conceived ideas.

### Substantial

For the purposes of the Equality Act 2010, substantial means more than minor or trivial (with reference to disability).

### Trans

A short-hand term to describe being transgender.

### Transgender

An umbrella term used to describe people whose gender identity or expression differs from their birth sex.

### Transition

The process of identifying and living in a new gender.

### Transphobia

The irrational fear, hatred, and discriminatory treatment of people who are transgender.

### Transsexual

A word which refers to a person who wants to or who has already changed their physical sex from the one which they were born with. Not all transgender people are transsexual.

### Victimisation

Under the Equality Act 2010, this is when a person experiences detrimental treatment because they have made a complaint or they intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment.

# The Chartered Institute of Housing

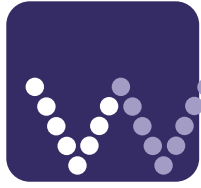


The Chartered Institute of Housing (CIH) is the professional body for people involved in housing and communities.

We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 22,000 people – both in the public and private sectors – living and working in over 20 countries on five continents across the world.

We exist to maximise the contribution that housing professionals make to the wellbeing of communities. Our vision is to be the first point of contact for – and the credible voice of – anyone involved or interested in housing.





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