

**Equality Commission**

FOR NORTHERN IRELAND

# **Consultation Draft Code of Practice**

## **Racial Equality in the Provision of Housing and Accommodation**

**The Race Relations (Northern Ireland) Order 1997  
(as amended by Race Relations Order (Amendment)  
Regulations (Northern Ireland) 2003**

**8<sup>th</sup> March 2007**



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### **Racial Equality in the Provision of Housing and Accommodation**

**The Race Relations (Northern Ireland) Order 1997  
(as amended by Race Relations Order (Amendment)  
Regulations (Northern Ireland) 2003**

Laid before the Northern Ireland assembly by the Office of the First Minister and Deputy First Minister in accordance with Article 45 (1) (c) and (d) of the Race Relation (Northern Ireland) Order 1997

**8<sup>th</sup> March 2007**



Published by the Equality Commission for Northern Ireland in 2007

The Code of Practice was developed in partnership with Bob Blackaby Associates. The Equality Commission for Northern Ireland gratefully acknowledges the substantial contribution made by Bob Blackaby Associates.

This Code of Practice is available in a range of accessible formats on request from the Equality Commission for Northern Ireland. If you would like a copy in an alternative format, please contact:

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The Code of Practice shall come into effect on such day as the Office of First Minister and Deputy First Minister may by Order appoint. Please contact the Equality Commission for Northern Ireland for further details.

## **The Code of Practice applies to Northern Ireland**

The Race Relations (Northern Ireland) Order 1997 as amended by the Race Relations Order (Amendments) Regulations (Northern Ireland) 2003 applies to all those involved in the provision, sale, letting and management of housing and accommodation, whether they are in the private or social housing sectors in Northern Ireland.

This Code of Practice explains how the Race Relations (Northern Ireland) Order 1997 as amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 make it unlawful for those involved in the provision, sale, letting and management of housing and accommodation in Northern Ireland to discriminate against someone on the grounds of race.

The Race Relations (Northern Ireland) Order 1997 came into operation on 4<sup>th</sup> August 1997. The Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 came into operation on 19<sup>th</sup> July 2003.

# Foreword



# Contents

<b>1 Introduction.....</b>	<b>1</b>
<b>Race discrimination &amp; harassment legislation in Northern Ireland.....</b>	<b>1</b>
Responsibilities.....	2
Other responsibilities .....	2
<b>The Code of Practice.....</b>	<b>3</b>
Who has issued the Code.....	3
Purpose of the Code.....	3
<b>Status of the Code.....</b>	<b>4</b>
<b>References used in this Code .....</b>	<b>4</b>
To the Order .....	4
To a racial group.....	4
On racial grounds .....	5
To housing & accommodation .....	5
Organisations & providers.....	5
Premises & tenancies .....	6
Disposal & management of premises .....	6
Housing sectors .....	7
<b>Examples in the Code .....</b>	<b>7</b>
<b>Changes to the law.....</b>	<b>8</b>
<b>The structure of the Code.....</b>	<b>8</b>
<b>Further information .....</b>	<b>10</b>
<b>2 Explaining the Law .....</b>	<b>13</b>

<b>Introduction.....</b>	<b>13</b>
<b>Racial discrimination .....</b>	<b>14</b>
Direct discrimination .....	14
Indirect discrimination .....	15
Grounds of race or ethnic or national origins .....	15
Grounds of colour or nationality .....	16
Understanding the definitions of indirect discrimination .....	18
Comparators .....	19
<b>Victimisation .....</b>	<b>19</b>
<b>Harassment.....</b>	<b>21</b>
<b>Segregation.....</b>	<b>23</b>
<b>Institutional racism.....</b>	<b>25</b>
<b>Public authorities .....</b>	<b>25</b>
<b>Provision of goods, facilities or services.....</b>	<b>26</b>
<b>Discriminatory advertisements .....</b>	<b>29</b>
<b>Selling or letting of premises .....</b>	<b>29</b>
<b>Management of accommodation.....</b>	<b>32</b>
<b>Instructions or pressure to discriminate or to cause harassment .....</b>	<b>34</b>
<b>Aiding unlawful acts.....</b>	<b>35</b>
<b>After a relevant relationship has come to an end.....</b>	<b>36</b>
<b>Exceptions to the prohibition on racial discrimination.....</b>	<b>38</b>
Justification for indirect discrimination .....	38
What is a legitimate aim? .....	39

What is proportionate? .....	40
Small dwelling exception .....	42
What is a small premises & who is a relevant occupier? .....	42
Discrimination on grounds of colour or nationality by owner-occupiers ..	43
Small dwellings exemption in relation to discrimination on the grounds of colour or nationality.....	44
Care & attention.....	45
Meeting the special needs of racial groups .....	45
<b>3 Good Practice in the Provision of Housing &amp; Accommodation .....</b>	<b>47</b>
<b>4 Promoting Good Practice in Housing Policy &amp; Strategy .....</b>	<b>53</b>
<b>Introduction.....</b>	<b>53</b>
<b>Development &amp; implementation of an inclusion strategy.....</b>	<b>54</b>
<b>Assess the impact of the Order &amp; other equality legislation..</b>	<b>55</b>
<b>Development of inclusive policies &amp; procedures, including     racial equality in housing strategies .....</b>	<b>56</b>
Inclusive policies.....	57
Procedures .....	57
Housing strategies.....	58
<b>Consult on all policies, practice &amp; procedures .....</b>	<b>59</b>
<b>Communicate all policies, practices &amp; procedures.....</b>	<b>59</b>
<b>Allocate responsibility for all policies, practices &amp; procedures     .....</b>	<b>61</b>
Deal effectively with complaints.....	61

<b>Provide training &amp; guidance on all policies, practices &amp; procedures .....</b>	<b>62</b>
<b>Monitoring &amp; review of all policies, practices &amp; procedures..</b>	<b>64</b>
Responsibilities for monitoring .....	66
The practicalities of monitoring .....	67
Direct methods.....	69
Indirect methods .....	69
Qualitative methods .....	70
Communicating the need to monitor .....	70
<b>5 Providing New Accommodation .....</b>	<b>73</b>
<b>Assessing &amp; prioritising accommodation requirements .....</b>	<b>74</b>
<b>Type, size &amp; design of accommodation .....</b>	<b>77</b>
<b>Providing accommodation for specific racial groups.....</b>	<b>78</b>
<b>Ensuring meaningful consultation .....</b>	<b>80</b>
<b>Dealing with objections .....</b>	<b>83</b>
<b>Getting the context right.....</b>	<b>86</b>
<b>Getting the design right.....</b>	<b>86</b>
<b>Specific accommodation for Irish Travellers .....</b>	<b>87</b>
<b>Making progress.....</b>	<b>88</b>
<b>6 Selling &amp; Letting Accommodation .....</b>	<b>91</b>
<b>Giving information about options .....</b>	<b>92</b>
<b>No justification for direct discrimination .....</b>	<b>93</b>
<b>Informing potential tenants &amp; purchasers in areas with a history of racial harassment.....</b>	<b>94</b>

<b>Setting quotas or targets .....</b>	<b>95</b>
Quotas .....	95
Targets .....	97
<b>Avoiding segregation.....</b>	<b>97</b>
<b>Using discretion .....</b>	<b>98</b>
<b>Specific housing sector issues.....</b>	<b>100</b>
Selling or letting private housing.....	100
‘Blanket’ exclusions .....	101
Asking for rent guarantees.....	104
Providing housing with employment .....	106
Letting social housing .....	107
Avoiding discrimination in lettings schemes.....	107
Assessing the needs of people from outside Northern Ireland.....	111
Providing support to people who move.....	112
Letting pitches on Irish Traveller sites .....	113
<b>7 Managing Accommodation.....</b>	<b>115</b>
<b>Understanding rights &amp; responsibilities .....</b>	<b>115</b>
<b>Setting &amp; collecting rents .....</b>	<b>117</b>
<b>Maintaining &amp; improving the housing stock.....</b>	<b>118</b>
Allocation of housing & accommodation.....	118
Repairs & maintenance .....	118
Cultural sensitivity.....	119
Investment decisions .....	119
<b>Enforcing standards in privately rented housing.....</b>	<b>121</b>

Tackling anti-social behaviour & dealing with disputes .....	122
Involving service users .....	124
Protecting tenants from landlord harassment & illegal eviction .....	126
Ensuring comparability of rights for Irish Travellers .....	126
Managing unauthorised Irish Traveller encampments .....	128
Removing unauthorised encampments .....	131
'Suitable pitch' .....	132
'Reasonable distance' .....	133
Ensuring compliance with human rights & equality obligations	134
<b>8 Creating Safe &amp; Inclusive Neighbourhoods.</b>	<b>135</b>
Fostering good relations .....	136
Good relations strategies .....	136
Responding to flags & emblems .....	141
Tackling racial harassment .....	143
Developing policies & procedures .....	143
Social housing .....	145
Private housing .....	152
<b>9 Giving Information &amp; Advice .....</b>	<b>153</b>
Ensuring people are aware of services .....	153
Written information .....	154
Other methods of communication .....	156
Interpreting .....	157
Helping newly arrived groups .....	158

Using community resources .....	158
Employing outreach workers .....	159
<b>10 Resolving Disputes .....</b>	<b>161</b>
<b>Making a complaint .....</b>	<b>161</b>
<b>Internal complaints procedures of housing &amp; accommodation organisations .....</b>	<b>162</b>
Race Relations (Northern Ireland) Order 1997 (as amended).	162
Complaints against public authorities under Section 75 .....	163
<b>Legal &amp; statutory remedies .....</b>	<b>163</b>
Race Relations (Northern Ireland) Order 1997 (as amended).	163
Section 75 of the Northern Ireland Act 1998.....	164
<b>Information &amp; advice .....</b>	<b>164</b>
Race Relations (Northern Ireland) Order 1997 (as amended).	164
Section 75 of the Northern Ireland Act 1998.....	165
<b>11 Further Information, Advice &amp; Support .....</b>	<b>167</b>
<b>Other statutory organisations .....</b>	<b>169</b>
<b>Housing &amp; accommodation organisations .....</b>	<b>173</b>
<b>Advice &amp; support groups.....</b>	<b>174</b>
<b>Great Britain organisations .....</b>	<b>178</b>
<b>Ireland organisations .....</b>	<b>179</b>
<b>12 List of Examples &amp; Good Practice .....</b>	<b>183</b>
<b>Appendix.....</b>	<b>191</b>
<b>Policies, research &amp; guidance publications .....</b>	<b>191</b>
<b>Further reading.....</b>	<b>191</b>



# 1 Introduction

## Race discrimination & harassment legislation in Northern Ireland

- 1.1 The **Race Relations (Northern Ireland) Order 1997 (“Order”)** outlaws discrimination on grounds of colour, race, nationality or ethnic or national origin.
- 1.2 The Order makes racial discrimination unlawful in the following areas:
  - employment;
  - goods, facilities and services;
  - education; and
  - housing management and disposal of premises.
- 1.3 In 2003, the Order was amended by the **Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 (“Regulations”)** to implement requirements of the **EU Race Directive 2004 / 43 / EC**. The amendments gave people greater protection from unlawful racial discrimination and harassment on the grounds of race, ethnic or national origins (see Chapter 2).
- 1.4 Under **Section 75 of the Northern Ireland Act 1998**, designated public authorities, including Government departments, local councils and the Northern Ireland Housing Executive (Executive”), are under a duty, when carrying out their functions, to have due regard to the need to promote equality of opportunity between persons of different racial groups (see Chapter 2).
- 1.5 Public authorities are also required, in carrying out their functions, to have due regard for the desirability of promoting good relations between persons of different religious belief, political opinion or racial group (see Chapter 2).

## **Responsibilities**

- 1.6 The Order applies to all those involved in the provision, sale, letting and management of housing and accommodation, whether they are in the private or social housing sectors.
- 1.7 Here are some examples of individuals and organisations involved in housing and accommodation.
- property owners;
  - private sector landlords;
  - public sector landlords;
  - Northern Ireland Housing Executive (the “Executive”);
  - district councils;
  - property management agencies;
  - accommodation bureaux;
  - housekeepers;
  - estate agents;
  - rent collection services; and
  - management agents of commercial premises.
- 1.8 Please note, the above list is not exhaustive and is not intended to be so.
- 1.9 All those involved in these fields must make sure that they do not discriminate against or cause harassment of people on racial grounds.

## **Other responsibilities**

- 1.10 In addition to being service providers, many organisations concerned with housing and accommodation are also employers. Employers have a responsibility to ensure that their employment practices comply with the law. All employers are strongly advised to seek guidance on preventing racial discrimination in employment.

# The Code of Practice

## Who has issued the Code

- 1.11 The Equality Commission for Northern Ireland (“Commission”) has issued this Code of Practice (“Code”) for the promotion of equality of opportunity in the field of housing between persons of different racial groups. The Code has been issued under Article 45 (1) (c) and (d) of the Race Relations (Northern Ireland) Order 1997 (“Order”). The Order came into operation on 4<sup>th</sup> August 1997.

Article 45 (1)  
(c) & (d)

## Purpose of the Code

- 1.12 The purpose of the Code is give practical guidance to all those involved in the provision, sale, letting and management of housing and accommodation, whether they are in the private or social housing sectors.
- 1.13 The Code is not directed at hotels, boarding houses, bed-and-breakfast providers or similar privately-run establishments unless such accommodation is allocated by a local authority or other statutory housing provider to a person or family who might otherwise be homeless.
- 1.14 The Code sets out the relevant provisions of the Order and other race relations legislation. It takes account of the amendments to the Order which were made through the Regulations.
- 1.15 The Code covers both ‘bricks and mortar’ housing and Irish Travellers’ specific accommodation including temporary (halting) and permanent (serviced) sites as well as grouped housing schemes.
- 1.16 In addition, the Code should also be of help to consumers, whether they are tenants, licensees or owner-occupiers (including buyers and sellers), in assisting them to understand how the law affects them.

- 1.17 Some of the detailed provisions in the Code may need to be adapted to suit particular circumstances. Any adaptations must, however, be fully consistent with the Code's general intentions. In cases of doubt, the Commission will be able to give advice.

## **Status of the Code**

- 1.18 The Code does not, itself, impose any legal obligations. Neither is it an authoritative statement of the law - that is a matter for the courts.
- 1.19 The Code shall be used in evidence in legal proceedings under the Order. Courts must take into account any part of the Code that appears to them relevant to any question arising in those proceedings.
- 1.20 If those with responsibility for decisions about the provision, sale, letting and management of housing and accommodation follow the guidance in the Code, it may help avoid an adverse judgement by a court in any proceedings.

## **References used in this Code**

### **To the Order**

- 1.21 References to 'the Order' are to The Race Relations (Northern Ireland) Order 1997, as amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003. Where appropriate, the relevant Article or Articles in the legislation are referred to within the margins to the side of the text.

### **To a racial group**

- 1.22 Throughout the Code, references are made to "Minority Ethnic Communities" or "Minority Ethnic Groups", these are racial groups other than the majority communities within Northern Ireland.

- |      |  |                                    |
|------|--|------------------------------------|
| 1.23 | The term “Racial Group” is a group of persons defined by reference to colour, race, nationality or ethnic or national origins. Therefore, references to a person’s racial group refer to any racial group into which that person falls.                          | <b>Article 5 (1) &amp; (3)</b>     |
| 1.24 | Under the Order, the “Irish Traveller” community is a racial group.  | <b>Article 5 (3) (a)</b>           |
| 1.25 | Racial groups do not include a group of persons defined by reference to religious belief or political opinion. Under the Order reference to religious belief or political opinion are construed in accordance with those made under fair employment legislation. | <b>Article 5 (3) (b) &amp; (5)</b> |
| 1.26 | The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.   | <b>Article 4 (3) (b) &amp; (5)</b> |

**On racial grounds**

- |      |   |                          |
|------|---|--------------------------|
| 1.27 | The term “Racial Grounds” means on the grounds of colour, race, nationality or ethnic or national origins.  | <b>Article 5 (1)</b>     |
| 1.28 | Racial grounds include the grounds of belonging to the Irish Traveller community. The Irish Traveller community are the community of people commonly so called who are identified (both by themselves and by others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland. | <b>Article 5 (2) (a)</b> |
| 1.29 | On racial grounds does not include the grounds of religious belief or political opinion.  | <b>Article 5 (2) (b)</b> |

**To housing & accommodation**

**Organisations & providers**

- 1.30 For the purposes of this Code, the terms “Organisation” and “Provider” refer to bodies and individuals providing housing and accommodation and related services, whether or not for profit.

1.31 Under the Order, the term “Estate agent” means a person by way of profession or trade:

Article 22 (6)

- provides services for the purpose of finding premises for persons seeking to acquire them; or
- assisting in the disposal of premises (this includes letting agents).

1.32 For the purposes of the Code, a “Person” can include a legal entity; for example, a company or a housing and accommodation organisation.

### **Premises & tenancies**

1.33 For the purposes of the Order, the term “Premises” includes land of any description. This may include caravan sites as well as housing.

Article 2 (2)

1.34 Under the Order, “Tenancy” means a tenancy created:

Article 22 (6)

- by a lease or sub-lease;
- by an arrangement for a lease or sub-lease;
- by a tenancy agreement; or
- in pursuance of any statutory provision.

### **Disposal & management of premises**

1.35 For the Order, the “Disposal” of premises includes granting the right to occupy the premises. Where the premises are comprised in a tenancy, they include:

Article 22 (6)

- assigning (or the assignment of) the tenancy; and
- sub-letting the premises of any part of them; or
- parting with possession of the premises or any part of them.

1.36 It may not be unlawful for a person with the power to dispose of premises to discriminate against another individual if:

Article 22 (2)

- that person owns an estate in the premises; and
- wholly occupies the premises.

1.37 In other words, the person with the power to dispose of premises may discriminate against another individual if they are an owner-occupier.

1.38 However, if the owner-occupier:

- uses the service of an estate agent; or
- publishes an advertisement or causes an advertisement to be published

the prohibition of discrimination will apply.

1.39 The reader is advised to refer to the section “exceptions to the prohibition on racial discrimination” in Chapter 2 – Explaining the Law.

### **Housing sectors**

1.40 “Social Housing” is used in this Code to denote housing provided by the Northern Ireland Housing Executive (“Executive”) and registered housing associations.

## **Examples in the Code**

1.41 Examples of how the Order may work are given in boxes. They are intended simply to illustrate the principle and concepts used in the legislation and should be read in that light.

1.42 The examples should not be treated as complete or authoritative statements of the law. It is not possible to offer generalised solutions. Individual circumstances will always require individual solutions. Changes to specific circumstances in any of the example given may well change the outcome or solution.

1.43 While the examples refer to particular situations, they should be understood more widely as demonstrating how the law is likely to be applied generally. For this reason they attempt to include a wide range of situations to demonstrate the width and scope of the Order as it applies to the provision, selling, letting and management of housing and accommodation.

They can often be used to test how the law might apply in similar situations. References to men or women are given for realism and the examples could, of course, apply to either sex.

## Changes to the law

1.44 The Code refers to the Race Relations (Northern Ireland) Order 1997 as amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 as at February 2007. There may be changes to the Order (as amended) or any other legislation. Everyone who has responsibilities under the Order (as amended) will need to ensure that he / she keeps up to date with any developments that may affect the Order's provisions. Information can be obtained from the Commission.

## The structure of the Code

- 1.45 The Code is divided into twelve chapters:
- **Chapter 1 – Introduction** provides information on legislation and this Code; it's structure and content.
  - **Chapter 2 – Explaining the Law** sets out the relevant provisions of the Order and other relevant legislation and gives examples to illustrate the implications of the legislation.
  - **Chapter 3 - Good Practice in the Provision of Housing & Accommodation** outlines the structure and content of the chapters that follow this chapter.
  - **Chapter 4 - Promoting Good Practice in Housing & Accommodation** makes recommendations on impact assessment, preparing racial quality documents, training and ethnic monitoring.
  - **Chapter 5 – Providing New Accommodation** considers the implications of the Order and other relevant legislation and makes recommendations on good practice in the provision of new accommodation.

- **Chapter 6 – Selling & Letting Accommodation** makes recommendations on good practice in the selling and letting of accommodation.
- **Chapter 7 – Managing Accommodation** outlines good practice recommendations for landlords with respect to the provision of information about accommodation, the setting and collection of rent and the maintenance and improvement of housing stock.
- **Chapter 8 – Creating Safe & Inclusive Neighbourhoods** examines the implementation of strategies to foster good relations and to tackle racial harassment.
- **Chapter 9 – Giving Information & Advice** provides good practice recommendations on information provision to minority ethnic groups.
- **Chapter 10 – Resolving Disputes** provides guidance on where to seek advice and support if someone believes that they have been discriminated against or harassed on the grounds of their race.
- **Chapter 11 – Further Information, Advice & Support** provides a list of organisations that may provide the reader with further advice.
- **Chapter 12 – List of Examples & Good Practice catalogues** all examples used in this Code.

1.46 This Code provides a basic overview of good practice and is not exhaustive. In recent years, a number of reports have been published which describe good practice in preventing discrimination and harassment and promoting equality of opportunity and good race relations in the field of housing and accommodation. Some of these reports are listed in the Appendix.

1.47 Some organisations will find that certain chapters and sections within the Code are of greater relevance to them than others. However, all readers are strongly advised to read the Code in its entirety as there is extensive cross-

referencing within the document between chapters and sections and towards other statutory guidance.

## Further information

1.48 Copies of the Order, Regulations and other legislation cited within this Code can be obtained from The Stationery Office:

Post:	TSO
	16 Arthur Street
	Belfast
	BT1 4GD
Telephone:	028 90 238 451
Fax:	028 90 235 401
E-mail:	Belfast.bookshop@tso.co.uk
Website:	<a href="http://www.tso.co.uk">www.tso.co.uk</a>

1.49 Copies of the Order, Regulations and any other legislation cited within this Code can be downloaded from the Office of Public Sector Information at:

Website:	<a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a>
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1.50 Copies of the “Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment”, and other guidance, can be obtained from the Commission:

Post: Equality Commission for Northern  
Ireland

Equality House

7-9 Shaftesbury Square

Belfast

BT2 7DP

Enquiry Line: 028 90 890 890

Telephone (switchboard): 028 90 500 600

Textphone: 028 90 500 589

Fax: 028 90 315 993

E-mail: [information@equalityni.org](mailto:information@equalityni.org)

Website: [www.equalityni.org](http://www.equalityni.org)

1.51 If you require this Code in an alternative format please contact the Commission.



## 2 Explaining the Law

### Introduction

- 2.1 Chapter 2 sets out the provisions of the Order which are most relevant to those involved with housing and accommodation. It also outlines the general duties that public sector organisations have for promoting equality of opportunity and good race relations. It begins by explaining the key concepts contained in the Order before going on to consider the specific provisions which are particularly relevant to housing and accommodation.
- 2.2 First, this chapter examines the key concepts of:
- racial discrimination – both direct and indirect discrimination;
  - racial harassment;
  - racial victimisation; and
  - racial segregation.
- 2.3 Second, this chapter examines:
- institutional racism; and the,
  - general provisions placed upon public sector organisations.
- 2.4 Third, this chapter examines specific provisions which are particularly relevant to housing and accommodation:
- provision of good, facilities or services;
  - advertising;
  - selling and letting of premises;
  - management of accommodation;
  - prohibition of instructions to discriminate or harass;
  - the duty not to aid an unlawful act; and

- the duty not to discriminate or harass a person once a relevant relationship has come to an end.

2.5 Finally, this chapter examines the exceptions to the prohibition of racial discrimination.

## Racial discrimination

### Direct discrimination

2.6 A person directly discriminates against another person if, on racial grounds, they treat that other person less favourably than they treat, or would treat, other persons in the same or similar circumstances.

Article 3 (1)

2.7 In a small number of circumstances, direct racial discrimination may be permitted. Apart from limited exceptions to the principle of non-discrimination (see below), direct discrimination is automatically unlawful, whatever the reason for it. There can be no justification for the difference in treatment.

#### Example 1 – Direct discrimination

Karen, a prospective tenant, met with a private landlord to view a house for rent. Karen viewed the house on behalf her partner and other family members who, at that time, were unavailable to attend. Karen expressed satisfaction with the property and the landlord agreed to rent the house to her and her family. As a result of this verbal agreement, the landlord forwarded a tenancy agreement to Karen for her and her partner to sign on the day of first occupancy.

On the day of first occupancy, the landlord decided not to let the property to them because her partner was not of European origin. The landlord was concerned about what the neighbours might say to him.

The landlord's treatment of Karen, her partner and her family, on the grounds of her partner's racial group is likely to amount to direct racial discrimination.

## Indirect discrimination

2.8 The Order, as amended, contains two definitions of indirect discrimination, depending on the grounds upon which it is based. These are on:

- grounds of race or ethnic or national origin; and,
- grounds of colour or nationality.

### Grounds of race or ethnic or national origins

2.9 The Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 definition of indirect discrimination is the more comprehensive definition. It is on grounds of race or ethnic or national origins.

2.10 Indirect discrimination occurs when a provision, criterion or practice which, on the face of it, has nothing to do with race or ethnic or national origins and which is applied equally to everyone:

- puts or would put people of a certain race or ethnic or national origins at a particular disadvantage when compared with others; and
- puts a person of that race or ethnic or national origins at that disadvantage; and
- cannot be shown to be a 'proportionate means of achieving a legitimate aim'.

**Article 4,  
amending  
Article 3 (1A)**

### **Example 2 – Indirect discrimination – On the grounds of race or ethnic or national origins**

A small housing association drafted and implemented a policy whereby all potential tenants must provide, as a guarantee of their reliability, proof of residence at a stable address for the past three years. Proof of residence had to be two utility bills in the applicant's name.

Sean, an Irish Traveller, applied for accommodation with the small housing association. However, Sean and his family had been moving around in a trailer for the previous five years with no fixed address. This meant that Sean was

unable to supply utility bills. Sean explained to the manager of the housing association his family's living arrangements for the last five years. However, the manager refused to let the property to Sean and his family as they could not provide the proof of residence that the housing association required. The manager stated that this was the policy of the housing association.

Unless the housing association can show that the reliance on obtaining proof of residence, and the provision of utility bills, was legitimate in the circumstances, a court may find that applying such a criterion was indirectly discriminatory on the grounds of race or ethnic or national origin.

In considering what is proportionate, the housing association should have considered alternative non-discriminatory means as a way of guaranteeing reliability. Therefore, the housing association should have relied on other forms of demonstrating trustworthiness and security without applying rigid rules which may have disadvantaged particular racial groups.

### **Grounds of colour or nationality**

- 2.11 The Race Relations (Northern Ireland) Order 1997 definition of indirect discrimination is the older definition. It is on the grounds of colour or nationality.
- 2.12 Indirect discrimination occurs when an apparently non-discriminatory requirement or condition is applied, and although it is applied equally to everyone:
- only a considerably smaller proportion of people from a particular racial group can comply with it, compared with the general population; and
  - it puts a person from that group at a disadvantage because he or she cannot comply with it; and
  - it cannot be shown to be justified on non-racial grounds.

**Article 3 (1)**

### **Example 3 – Indirect discrimination on the grounds of colour or nationality - I**

A private landlord planned to let out a two-bedroom house. The landlord stated that this was only available to single occupancy households; for example, a single family unit and not available for two or more people to share. The landlord gave no other reason to justify restricting the use of the property other than that was their preference to have a family unit living there.

There has been an increase in the number of migrant workers living in the area. It could be argued that since the majority of these people are single and earn relatively low wages, they rely on shared accommodation to enable them to afford the rent.

In this case, the landlord's imposed single household condition or requirement may have disproportionately affected migrant workers, and therefore, it may have been indirectly discriminatory on the grounds of colour or nationality. However, if the landlord was able to show that they could have lawfully justified the condition or requirement, then they may have had a defence under the Order.

### **Example 4 – Indirect discrimination on the grounds of colour or nationality - II**

A private landlord advertised a property for let within the local newspaper. In the advertisement, it stated that the property was not available to those on benefits by stating, "No DHSS".

If a member of a given racial group lost the opportunity to rent the property, the landlord may have had to defend their actions in a court of law.

If members of a certain racial group were able to demonstrate that their community was over-reliant on housing benefit support, they may pursue a complaint of

indirect discrimination on the grounds of colour or nationality.

The landlord maybe able to justify their actions if the levels of housing benefit could not meet the rent levels. However, the landlord should have first ensured that there was no other way of meeting the shortfall in rent. For further information please refer to the section “Blacket exclusions” within Chapter 6 – Selling & Letting Accommodation.

### **Understanding the definitions of indirect discrimination**

- 2.13 The phrase ‘provision, criterion or practice’ included in the first definition, and which was introduced to comply with EU Race Directive 2000/43/EC, is broader than the phrase ‘requirement or condition’ in the older definition of indirect discrimination. The phrase ‘provision, criterion or practice’ covers the full range of rules, policies and practices, be they formal or informal. It would therefore apply to decisions that are made regularly by those working in housing organisations about how particular cases are dealt with but which may not necessarily be written down in a formal policy.
- 2.14 Whilst this broader definition does not apply to indirect discrimination against racial groups on the grounds of colour or nationality, in practice the broader definition is likely to apply to the majority of cases where indirect discrimination takes place. This is because it is likely that a requirement that disadvantages someone because of his or her colour would also disadvantage him or her on the basis of race or ethnic origins. Similarly, a requirement that disadvantages someone on the grounds of nationality is also likely to disadvantage someone on the grounds of his or her national origins.
- 2.15 Indirect discrimination is in limited circumstances allowable, where it can be lawfully justified, but there are stringent conditions. Please refer to the “Exceptions to the prohibition of racial discrimination” section within this chapter for further details.

## Comparators

- 2.16 Discrimination is generally deemed to occur where one person is treated less favourably than other persons, or is placed as a disadvantage compared to other persons. Therefore, comparison must be made between how one person is treated, or would be treated, compared to another, or how one group of persons is treated, or would be treated, compared to another group. These persons or groups are usually known as comparators.
- 2.17 Comparators may also be hypothetical persons. It is not always necessary to compare the person who complains of discrimination with an actual other person. It is possible for the person alleging discrimination to argue that someone else, who is of a different racial group, would be treated more favourably in the same or similar circumstances. Discrimination on the grounds of race does not have to be on the grounds of the race of the person being discriminated against, because the law specifies discrimination only 'on the grounds of' race. A person can therefore be discriminated against on the grounds of another person's race, which could be as a result of their relationship with that person. It could also be as a result of refusing to carry out a (racially) discriminatory order.

## Victimisation

- 2.18 It is unlawful for someone to treat another person less favourably than others are treated, or would be treated, in the same circumstances because it is known, or suspected, that they have:
- brought, or intend to bring, proceedings under the Order; or
  - given, or intend to give evidence or information relating to proceedings under the Order; or
  - done anything else, or intend to do anything else, under the Order; or

Article 4

- alleged, or intend to allege, that someone has contravened the Order

2.19 Treatment that amounts to victimisation is not capable of being justified.

### **Example 5 – Victimisation - I**

Stephen applied to a housing organisation for accommodation. However, in the allocation of the accommodation, Stephen believed that he had been discriminated against by Ryan, an employee working for the housing organisation.

Stephen approached Christine, who was a colleague of Ryan, for advice on how to make a complaint. Christine advised Stephen that there was a complaints procedure, and that he should also contact the Equality Commission for Northern Ireland for further advice. Stephen lodged his complaint to the housing organisation and contacted the Commission.

Lawrence, the manager dismissed Christine as she had advised Stephen of his rights under the Order and other legislation. Both Lawrence and the housing organisation may be held responsible for an act of victimisation by Lawrence.

### **Example 6 – Victimisation - II**

Boris decided to bring a complaint of racial discrimination against his landlady as he believed that she had reallocated him a substandard flat because of his status as a migrant worker.

In response, the landlady decided to start eviction proceedings against Boris when she heard that he was bringing the complaint.

The treatment that Boris received from the landlady may have amounted to discrimination by way of victimisation and is not capable of being justified.

2.20 Protection against victimisation does not apply to individuals who make allegations of discrimination which are false and not made in good faith.

## Harassment

2.21 Until 2003, harassment was not defined in the legislation. It was considered to be a form of direct discrimination involving less favourable treatment and cases were largely taken in respect of employment.

2.22 The 2003 amendment to the Order extends protection from harassment on the grounds of race or ethnic or national origins and defines harassment as:

When a person engages in unwanted conduct that has the purpose or effect of:

- violating the other person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Article 4A (1)

2.23 The Order states that conduct is regarded as having the effect specified above only if, having regard to all the circumstances, including, in particular, the perception of the person affected by the harassment, it should reasonably be considered as having that effect.

Article 4A (2)

2.24 In deciding cases brought before it, a court will therefore consider both the intentions of the person who has allegedly harassed another and the effects of his or her conduct. In the latter case, particular account will be taken of the perceptions of the person who alleges the harassment.

2.25 While the Order only applies to harassment on the grounds of race or ethnic or national origins, and not to those of colour or nationality, courts may interpret 'race' widely, to include colour in cases where conduct is overtly directed at a person because of his or her skin colour. Similarly, harassment in relation to a person's nationality may also be regarded by a court as applying to a person's actual or

perceived national origins, and would therefore be covered by the Order.

- 2.26 Most cases of harassment are brought in the context of employment. Case law has established that, when someone is subjected to harassment in the course of providing a service, then this is discrimination and is tantamount to providing that service on less favourable terms.

### **Example 7 – Harassment - I**

A housing organisation used a contractor to carry out building improvements to their housing stock. On the first visit to the home of an Asian tenant, a property belonging to the housing organisation, the contractor made offensive remarks about the cooking habits of the tenant and stated that when in someone else's country people should learn to cook the local food and not import weird rituals.

The tenant is offended by the comments made by the contractor and makes a complaint to the housing organisation. The housing organisation noted the tenant's complaint but failed to instruct the contractor not to make racist offensive remarks. The housing organisation also failed to put in place race discrimination and harassment training for all staff and contractors or enact disciplinary proceedings against the contractor.

The contractor made a second visit to the tenant's home. Again, the contractor made offensive remarks regarding the tenant's racial origin. The tenant decided to lodge proceedings with the county court. Both the contractor and the housing organisation may be liable for harassment.

### **Example 8 – Harassment - II**

Staff working in the local office of a large private housing landlord regularly tell racist jokes to each other within the hearing distance of members of the public.

A tenant, who is a member of a minority ethnic community, heard the jokes, and was upset by them. The tenant complained to the manager but nothing was done to stop them.

Both landlord and the staff may be held liable for racial harassment.

## **Segregation**

- 2.27 Segregating a person from others on racial grounds constitutes less favourable treatment. Segregation means that one or more persons are kept apart from others, on racial grounds. Segregating tenants by racial group is unlawful, even if they have access to accommodation and services of the same or similar quality.
- 2.28 Congregation is not the same as segregation. Congregation is defined as the circumstance in which members of a racial group, by choice, live near others of the same group. The failure of a housing provider to intervene and insist on the integration of tenants from other racial groups, against their choice, does not amount to unlawful direct discrimination. However, if congregation has adverse consequences for good race relations, such as racial hostility, which alienates or deters tenants from some racial groups from moving to the area in question, and the housing provider is a public authority, it will need to consider whether there are any steps it could take to discharge its duty to promote equality of opportunity and good race relations under Section 75 of the Northern Ireland Act 1998.

**Article 3 (2)**

### **Example 9 – Segregation - I**

Over a one year period at a local university several incidences of racial harassment were reported by Asian students living within the student accommodation blocks. For the following year, the accommodation manager initiated a practice whereby all new Asian students were housed in a particular accommodation block. The manager believed that this would improve relations between the racial groups living on campus.

Segregating persons on grounds of race constitutes less favourable treatment and is unlawful under the Order. The university, and the accommodation manager, may have been liable for race discrimination if the practice of segregation was challenged by a student.

### **Example 10 – Segregation - II**

At a hostel for migrant workers there have been disputes between east European and Portuguese residents.

The disputes centred around allegations by the east European residents that the Portuguese residents were leaving the toilet and washing facilities in an unsatisfactory state after use.

The hostel manager decided to implement a policy whereby east European and Portuguese residents must use separate toilet and washing facilities.

Segregating the residents on racial grounds is unlawful, even if they have access to accommodation and services of the same or similar quality. If a resident wishes to lodge a complaint, the manager and the owners of the hostel may be held responsible for racial discrimination.

## Institutional racism

- 2.29 The term 'institutional racism' was coined by Sir William Macpherson in his 1999 report on the inquiry into the death of Stephen Lawrence, entitled "The Stephen Lawrence Inquiry Report: Report of an Inquiry by Sir William Macpherson of Cluny". 'Institutional racism' is described as "the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes or behaviour which amount to discrimination through unwitting prejudice, ignorance thoughtlessness and racist stereotyping". Although the concept itself has no legal force, it led, in Great Britain, to the introduction of an amendment to the Race Relations legislation imposing a legal statutory duty on public authorities to promote good race relations. This statutory duty already existed in Northern Ireland as Section 75 of the Northern Ireland Act 1998.

## Public authorities

- 2.30 It is unlawful for a public authority, in carrying out any of its functions (of providing any form of social security, healthcare, and any form of social protection or any form of social advantage), which do not come within the scope of the goods, facilities and services provisions as laid down within the Order (amended) (see below), to discriminate against a person on the grounds of race or ethnic or national origins, or subject such a person to harassment.
- 2.31 Public authorities, including government departments, local councils and institutions of further and higher education, who are designated under Section 75 of the Northern Ireland Act 1998 are already under a duty, when carrying out their functions, to have due regard to the need to promote equality of opportunity between persons of different racial groups.

Article 20A

- 2.32 Public authorities are also required, in carrying out their functions, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 2.33 The provisions within the Order (as amended), which apply to providers of good, facilities and services (see below), are different in that they grant individual rights to people who have been discriminated against on racial grounds. In the operation of Section 75, public authorities need to ensure that they do not breach the Order (as amended). In applying the Order (as amended), public authorities have the additional responsibility of ensuring that they comply with the general duties under Section 75.
- 2.34 District Councils also have a duty to eliminate unlawful racial discrimination and a good relations duty under the Race Order and, furthermore, they are identified in the Government's Race Equality Strategy and Shared Future documents as having a crucial role in addressing good relations. Where they provide housing or accommodation services, they should ensure that they meet these duties and follow the Government's race and shared future strategies.
- 2.35 Reference is made to these statutory duties in a number of places in Chapters 4 to 9 of this Code.

**Article 67**

## **Provision of goods, facilities or services**

- 2.36 It is unlawful for any person who provides goods, facilities or services to the public to discriminate against someone who is seeking to obtain or use such goods, facilities or services:
- by refusing or deliberately omitting to provide any of them
  - by refusing or deliberately omitting to provide the goods, facilities or services of the same quality, in the same manner, or on the same terms, as is normally provided.

**Article 21 (1)**

- 2.37 It is also unlawful for any person who provides goods, facilities or services to cause harassment of:
- a person who seeks to obtain or use the goods, facilities or services
  - a person to whom he provides those goods, facilities or services.

Article 21 (1A)

- 2.38 Accommodation in a hotel, boarding house or similar establishment is an example of facilities and services. The provision of services of any profession or trade or any local or public authority are also examples of facilities and services.

Article 21 (2)

- 2.39 The provisions placed on goods, facilities and services within the Order therefore affect public bodies providing housing services that do not involve the direct management of housing. Examples may include housing advisory services, the management of tenancy exchange schemes, housing benefit services and services to help private owners with the repair and improvement of their homes.

### **Example 11 - Direct discrimination in facilities and services - I**

Michael, a member of the Roma community, wishes to book a wedding reception, along with accommodation for family guests, at a local hotel for his family. Michael met with the facilities manager, agreed the price for the event and gave a deposit.

Several weeks later, Michael, along with other members of his family, visited the hotel again to finalise arrangements for the wedding reception. At this meeting, the hotel proprietor was also present. Upon disclosure by Michael that he and his family were from the Roma community, the manager refused to proceed with the booking. He then cancelled the booking and then refunded the deposit payment.

The less favourable treatment received by Michael on grounds of his, and his family's, racial group from the hotel

proprietor may amount to racial discrimination under the Order.

### **Example 12 - Direct discrimination in facilities and services - II**

Seamus, a member of the Irish Traveller community wished to insure his caravans. To do so, Seamus approached a local Northern Ireland insurance company.

Seamus was told by the insurance agent that the company do not insure Irish Travellers' caravans. Seamus asked whether the company insured caravans used for residential purposes by people who were not Irish Travellers. The insurance agent stated that they did.

Seamus decided to approach a second local insurance company. This time, the insurance agent stated that they did insure Irish Travellers' caravans. Seamus decided to take out the insurance policy with the second insurance company.

However, a month later Seamus was talking to Mark, a friend from the settled community who was also a caravan owner, about the cost of insurance for his caravan. Mark, who also used the same insurance company and the same insurance policy to insure his similar-sized caravan, informed Seamus that the cost of his insurance was appreciably lower.

Seamus approached the insurance company and was informed that there was a higher premium for Irish Travellers.

Upon this disclosure, Seamus decided to make a complaint under the Order against both insurance companies citing less favourable treatment on grounds of racial origin. However, it should be noted that the second insurance company may have defence under the law if the difference in the insurance premium was based on robust and objective actuarial calculations.

## **Discriminatory advertisements**

- 2.40 Except in very particular circumstances relating to provision to meet special needs (see below), it is unlawful to publish, or to arrange for someone to publish, an advertisement which indicates, or which might reasonably be understood as indicating, an intention to discriminate, even if the act of discrimination were lawful.
- 2.41 The test for deciding whether an advertisement indicates an intention to discriminate is whether a reasonable person would consider it to be discriminatory. The term 'advertisement' is very wide and includes any publicity or notification, whether public or not. It would include newspaper advertisements, displays in estate agents' windows, cards in newsagents' windows, announcements on websites, emails and internal newsletters.

**Article 29 (1)**

## **Selling or letting of premises**

- 2.42 It is unlawful for any person to discriminate:
- in the terms on which premises are offered; or
  - by refusing to consider an application for premises; or
  - in the treatment of a person in relation to any list of people in need of such premises (for example, waiting lists, registers etc.).
- 2.43 This duty applies to both public and private sector organisations and to private individuals. There are some limited exemptions for owner-occupiers and for small dwellings (see below).
- 2.44 It is also unlawful for a person to cause the harassment of a person who applies for premises.

**Article 22 (1)**

**Article 22 (3A)**

### **Example 13 - Direct discrimination in the sale of owner-occupied housing - I**

Tiago, a member of the Portuguese community, was looking to purchase a house for his family in particular area of Belfast.

Tiago approaches several estate agents. One of the estate agents omits to give details of houses for sale in a particular district of the area of Belfast of which Tiago is interested in. This is in spite of the fact that the houses are within Tiago's price range. The estate agent does this because he believes 'the family would not feel comfortable in this area'. His belief is based upon a series of incidents of racial harassment reported in that district over the past year.

The estate agents actions may amount to less favourable treatment and therefore be discriminatory. The undoubted good intentions of the estate agent are immaterial. Please refer to Chapter 6 – Selling and Letting Accommodation for guidance on informing potential tenants and purchasers in areas with a history of racial harassment.

### **Example 14 - Direct discrimination in the sale of owner-occupied housing - II**

Stephen, member of one of the majority communities in Northern Ireland, was looking for a house to buy an area close to the city centre.

Stephen approached several estate agents. However, one estate agent did not provide Stephen with information about properties in streets where a significant number of people from the Chinese community lived unbeknown to Stephen.

Stephen challenged the estate agent when he noticed, within the shop displays, a significant number of houses on the streets he was interested in.

The estate agent informed him as to why she had not informed him of the houses; because she believes that

people from one of the majority communities would not be interested in these properties.

The estate agents actions may have discriminated against both the prospective purchasers and the minority ethnic vendors (sellers) of properties in the area.

### **Example 15 - Direct discrimination in the letting of rented accommodation - I**

A Romanian family found themselves homeless after moving to Northern Ireland just over a year. They were referred to private bed and breakfast accommodation for homeless people by the local authority.

However, the proprietor of bed and breakfast accommodation refused to accept the family.

The less favourable treatment of the Romanian family by the proprietor of the bed and breakfast may be considered as direct racial discrimination.

### **Example 16 - Direct discrimination in the letting of rented accommodation - II**

A landlord advertises a flat for rent in the local newspaper. Kafil, who has recently emigrated from Africa, telephoned the landlord to enquire as to the availability of the flat.

Upon hearing someone who speaks with a 'foreign' accent and asking about the flat, the landlord told the caller that the flat had already been let, whereas in reality it had not.

Kafil would have accepted the landlords answer, but a friend of his Rowan, who is from one of the majority communities in Northern Ireland and who has no 'foreign' accent, also made the very same enquiry to the landlord the following day. Rowan was invited by the landlord to view the flat.

The refusal by the landlord to rent the flat to Kafil could amount to direct racial discrimination.

### **Example 17 - Direct discrimination in the letting of sites**

Patrick and his family, an Irish Traveller family, wished to use a holiday let in a commercial caravan park.

The manager of the caravan park refused to allow Patrick and his family access to a holiday let. The manager stated that they had 'problems' with other Irish Traveller families in the past who did not leave after the maximum letting period.

The refusal by the manager to allow access to the caravan park may amount to direct racial discrimination, as the decision was based upon the stereotypical assumption that all Irish Traveller families will flout the rules of the park.

## **Management of accommodation**

2.45 It is unlawful for a person managing any premises to discriminate against a person occupying the premises. This covers:

- access to benefits or facilities and includes refusing or deliberately omitting to allow access to them; or
- eviction or other forms of detriment.

2.46 Benefits or facilities may include, for example, laundry facilities, access to gardens, car parking facilities or any other commercial facilities.

2.47 People managing premises are not prevented from evicting individuals where the law allows it, for example, where they are in rent arrears or have breached other terms of the tenancy, and where the reason for the eviction is not related to racial origins. However, in each case, appropriate court action needs to be taken to obtain an eviction order. Any differential treatment in the eviction process could lead to a breach of the Order.

2.48 It is unlawful for a person whose licence or consent is required for the disposal of any premises comprised in a tenancy to discriminate against another person by

**Article 22 (3)**

**Article 22 (4)**

withholding his licence or consent for the disposal of premises to that person.

- 2.49 It is also unlawful for a person to cause the harassment of a person who occupies accommodation or to cause harassment of a person who applies for a licence or consent for the disposal of premises or to cause harassment of a person from whom such licence or consent is withheld.

Article 22 (3A)

**Example 18 - Direct discrimination in the management of accommodation - I**

Simon wished to sublet part of the house that he rents to a friend. Simon's friend is Huang, a member of the Chinese community.

Upon hearing that Simon was going to sublet part of the house to someone from the Chinese community, the landlord refused to grant his tenants permission to sublet any part of the house. Prior to the disclosure of Simon's plan to sublet part of the house the Huang, the landlord was always willing to grant permission.

The landlord's decision to refuse the subletting of his premises was based on the subtenant's ethnic origin. This may amount to direct racial discrimination.

**Example 19 - Direct discrimination in the management of accommodation - II**

As a result of noisy and abusive tenants, who were members of a minority ethnic group, a landlady evicted them from one of her properties.

As a result of this single incident, the landlady believed that people from minority ethnic groups represented a bigger risk to her property than members of the majority communities in Northern Ireland. Therefore, the landlady asked for higher rent deposits at the start of every tenancy from tenants who were from minority ethnic groups. This less favourable treatment of minority ethnic groups may amount to direct racial discrimination.

## Instructions or pressure to discriminate or to cause harassment

- 2.50 It is unlawful to instruct, induce or attempt to induce a person to discriminate against or subject a person to harassment. An attempted inducement does not have to be made directly. It is unlawful if it is made in such a way that the other person is likely to hear of it.

Article 30 &  
Article 31

### Example 20 - Instructions or pressure to discriminate or cause harassment

Babafemi, was from west Africa, and he wished to purchase a property of a given type within a specified area of the town.

The estate agent had a house which matched Babafemi's requirements. However, the agent did not give the property details to Babafemi. The estate agent was acting on the instructions of the vendor (seller) of the house who wanted the house sold to a person of the same ethnic origin as themselves.

It is unlawful to instruct, induce or attempt to induce a person to discriminate against someone. In this instance, both the vendor and the estate agent may be responsible under the Order.

- 2.51 The courts have determined that the pressure can amount to no more than persuasion and need not involve a benefit or loss. The discriminatory pressure or instruction is, in itself, unlawful whether or not the person who was instructed or put under pressure goes on to commit an act of unlawful discrimination or harassment.

## Aiding unlawful acts

- 2.52 A person who knowingly aids another person to carry out an act of discrimination, harassment or victimisation shall be treated as if they, themselves had carried out the unlawful act.

Article 33

### Example 21 – Aiding unlawful acts

Michael was selling his house. Michael's brother also lives on the same street. Michael was aware that his street, and those around, neighboured another area where many members of particular ethnic minority lived. Michael believed that by allowing his house to be sold to a member of an ethnic minority that it would reduce the price of his brother's house nearby. So Michael, the vendor, instructs his estate agent not to sell his house to anyone from an ethnic minority group.

The estate agent complied with Michael's request. The estate agent had many requests for the property details of Michael's house. The estate agent informed those who he knew were from an ethnic minority that the property had been agreed for sale and was no longer available for viewing.

This aiding of the vendor's wishes by the estate agent went unnoticed until Karim was in the estate agent's shop and noticed the property. Karim made an enquiry to the estate agent about the property with an interest in a viewing. However, he was also informed that property was already sale agreed and no longer available for viewing. Karim was curious as the property was not marked as sale agreed in any of the promotional materials.

Karim reported this to James, his business partner and a member of one of the majority communities in Northern Ireland. James decided to make the same enquiry about Michael's house, and visited the estate agents shop the afternoon of Karim's enquiry. The estate agent stated that

the house was for sale and asked whether he would like to view the property. James arranged to view the property.

The following day James and Karim arrived at the property for the viewing. At this meeting the agent informed the viewers of Michael's instructions not to sell the property to someone from an ethnic minority.

By aiding an unlawful act, under the Order, the estate agent faced legal proceedings in a court of law. Michael was also brought before a court of law for giving instructions to discriminate against those from minority ethnic groups.

- 2.53 A person does not knowingly aid someone else to do an unlawful act if:
- that other person makes a statement to them that it would not be unlawful because of any provision of the Order; and
  - they act in reliance on that statement; and
  - it is reasonable to rely on the statement.
- 2.54 A person who knowingly or recklessly makes such a statement which is false or misleading in a material respect is guilty of a criminal offence and will be liable on conviction to a fine up to level 5 on the standard scale.

### **After a relevant relationship has come to an end**

- 2.55 The law gives some protection from discrimination to people in circumstances where there existed a previous relationship. This includes an employment relationship but also covers customer relationships and those arising out of the management and disposal of premises (such as a landlord / tenant relationship).
- 2.56 It is unlawful to discriminate against someone after such a relationship has come to an end, or to subject someone to harassment, where the discrimination or harassment arises out of and is closely connected to that relationship.

**Article 27A**

**Example 22 – After a relevant relationship has come to an end - I**

Siobhan was a landlord of a small terrace house. Winston was a former tenant of Siobhan, and applied for accommodation with another landlord in another town. The new landlord requested a reference to prove that Winston was a reliable tenant.

Winston did not default on any rental payment and always left the property in excellent condition. However, Siobhan did not provide the new landlord with references for Winston because he was black.

This may amount to direct racial discrimination.

**Example 23 - After a relevant relationship has come to an end - II**

Robert, a housing officer for a large private landlord, was walking down the high street of a local town. Robert saw Jin, an ex-tenant from the Chinese community, in the street. Robert and Jin had disagreements during the tenancy. Robert shouted racial abuse at Jin and made threatening gestures towards him.

Both Robert, the housing officer, and his landlord may be liable for racial harassment. The landlord can be liable as employers are responsible for the action of the employees; something known as vicarious liability. For further information, please seek guidance from the Commission.

# Exceptions to the prohibition on racial discrimination

## Justification for indirect discrimination

- 2.57 Indirect discrimination may be permitted where a service provider, including a housing and accommodation organisation, can demonstrate that their provisions, criteria, practices, requirements or conditions are lawfully justified.
- 2.58 Housing and accommodation organisations will need to provide strong evidence to support any claim of justification. Assertion alone will not be sufficient and each case must be considered on its individual merits. Housing and accommodation organisations must remember that it will be difficult to meet these requirements as the general principle remains that different treatment on grounds of race will be unlawful and different treatment on grounds of race will only be possible exceptionally and only for good reasons.
- 2.59 Justification cannot be used as a defence for direct discrimination, victimisation, harassment or discrimination for failing to carry out a race discriminatory instruction.
- 2.60 To establish a defence for the justification of indirect discrimination, a housing and accommodation organisation must demonstrate that any:
- **provision, criterion or practice** (on grounds of race or ethnic or national origins), or
  - **requirement or condition** (on grounds of colour or nationality).

is, respectively:

- a **‘proportionate means of achieving a legitimate aim’** (on grounds of race or ethnic or national origins); or
- **‘justifiable on non-racial grounds’** (on grounds of colour or nationality).

**Article 4,  
amending  
Article 3 (1A)**

2.61 To reiterate, whilst the definition on the grounds of race or ethnic or national origins does not apply to indirect discrimination against racial groups on the grounds of colour or nationality, in practice this broader definition is likely to apply to the majority of cases where indirect discrimination takes place. This is because it is likely that a requirement that disadvantages someone because of his or her colour would also disadvantage him or her on the basis of race or ethnic origins. Similarly, a requirement that disadvantages someone on the grounds of nationality is also likely to disadvantage someone on the grounds of his or her national origins.

2.62 Therefore, if a housing and accommodation organisation wishes to justify a provision, criterion, practice, requirement or condition they are strongly advised to do so using the definition on the grounds of race or ethnic or national origins. To do this, housing and accommodation organisation will have to consider the following:

- What is a legitimate aim?
- What is proportionate?

#### **What is a legitimate aim?**

2.63 A wide variety of aims may be considered legitimate. However, the aims must correspond with the reasonable needs of the housing and accommodation organisation. Economic factors such as business needs and efficiency may be legitimate aims; however, a housing and accommodation organisation that pursues a race discriminatory practice with the sole aim of minimising or saving costs may not rely on that particular factor alone as a justification defence. A housing and accommodation organisation can, however, put cost into the balance, together with other legitimate aims if there are any.

2.64 In the event of a complaint of discrimination, it will be for the housing and accommodation organisation to convince a court that the treatment was lawfully justified as a proportionate means of achieving a legitimate aim. It will

ultimately be for the courts to determine whether the service provider's aim was legitimate.

2.65 In practice, the test of lawful justification is not an easy one and it will be necessary to provide evidence if challenged; assertions alone will not be enough.

**What is proportionate?**

2.66 The particular means adopted by a housing and accommodation organisation to achieve a legitimate aim must be proportionate to the aim in question.

2.67 The means that:

- the decisions or provisions which an organisation makes or the criteria or practices which are applied must actually contribute to the pursuit of the legitimate aim. For example, if a housing and / or accommodation organisation uses a race-related practice in order to achieve a legitimate aim, then the organisation should provide evidence which shows that the practice actually achieves the legitimate aim;
- the importance and benefits of the legitimate aim should be weighed up against the discriminatory effects. For example, a housing and / or accommodation organisation's discriminatory criterion which helps improve services is more likely to be regarded as proportionate than one which results in a marginal improvement in service provision; and
- housing and accommodation organisations should not discriminate more than is necessary. For example, where a legitimate aim can be achieved by an alternative measure which has a less discriminatory effect, or none at all, the latter should be used.

### **Example 24 – A proportionate means of achieving a legitimate aim**

Cultra Housing, a rural housing organisation, adopts a policy whereby it reserves some affordable housing (for rent or purchase) for people with local connections in the community. The aim of the policy is to encourage younger people, in particular, to remain in the area, as it believes that younger people are being forced to move away due to the lack of affordable housing.

If Cultra Housing can provide evidence, through the age and family profiles of people living in the local community, that there is a severe imbalance in the take up of housing by young people with local connections in the community, and that as a result, there is a real need to encourage young local people to stay within the community, then it may be possible for it to establish that there are legitimate grounds for taking some form of discriminatory action to fix the problem (“a legitimate aim”).

However, the action that Cultra Housing takes must also be shown to be “proportionate”. Restricting housing to young persons with local connections in the community is unlikely to be deemed to be proportionate without cogent evidence that it is necessary. This will be especially so, if the young people with local connections do not reflect the wider demographic profile across Northern Ireland; for example, its ethnic profile. Cultra Housing would have to show why other less discriminatory measures (or, a combination of measures) could not be equally effective. For example, the same outcome might equally be achieved by reserving affordable housing (for rent or purchase) to young people regardless of where they came from (inside or outside of Northern Ireland), and their racial or ethnic or national origins.

## **Small dwelling exception**

- 2.68 The Order provides a specific exemption from the goods, facilities and services, and the disposal of premises, provisions for small dwellings.
- 2.69 In the provision and disposal of accommodation in any premises, or in the withdrawal of any consent or licence, by a relevant occupier, lawful racial discrimination can occur when:
- the relevant occupier resides, and intends to continue to reside, on the premises;
  - the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of the occupiers household;
  - the shared accommodation is not storage accommodation or a means of access; and
  - the premises are small premises.
- 2.70 The implications of the small dwelling exception, and how it affects owner-occupiers, are outlined below.
- 2.71 What follows is an explanation of small premises and relevant occupiers

### **What is a small premises & who is a relevant occupier?**

- 2.72 The 'relevant occupier' with respect to the goods, facilities and services provisions of the Order is:
- the person providing, or with the power to dispose of, accommodation or a near relative of his. A near relative is either a spouse, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or by affinity)
- 2.73 The 'relevant occupier' with respect to the disposal of premises provisions of the Order is:
- the person whose licence or consent is required for the disposal of the premises or a near relative.

2.74 A premises is defined as a 'small premises' if:

- only the relevant occupier and members of their household reside in the accommodation occupied by them;
- the premises comprise, in addition to the accommodation occupied by the relevant occupiers, residential accommodation for at least one household;
- the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and
- there are not normally more than two such households; or,
- if the premises is not normally residential accommodation on the premises for more than 6 persons in addition to the relevant occupier and any members of their household.

#### **Discrimination on grounds of colour or nationality by owner-occupiers**

2.75 It is not unlawful for an owner-occupier to discriminate on the grounds of colour or nationality in the disposal of accommodation in some situations. However, the exemption is very limited:

- It only applies to discrimination on the grounds of colour or nationality and not other grounds.
- It applies only to owner-occupiers and not to estate agents, letting agents or others acting on their behalf. Estate agents or others that carry out discriminatory instructions from owners will be contravening the Order.
- Discriminatory advertisements are not permitted.

**Article 22 (2)**

2.76 However it should be noted, that other legislation may also be relevant; such as the Fair Employment and Treatment (Northern Ireland) Order 1998. For example, in a situation where an owner-occupier discriminates against a tenant on grounds of their nationality, depending on that nationality it could amount to religious discrimination.

**Small dwellings exemption in relation to discrimination on the grounds of colour or nationality**

2.77 Under the small dwellings exemption, it is not unlawful for a landlord to discriminate on grounds of colour or nationality in the provision or disposal (including withholding a licence or consent to a disposal) of accommodation provided that certain conditions (see above) are met.

Article 23

2.78 The exemption is very limited:

- It **only applies to discrimination on the grounds of colour or nationality** and not other grounds.
- It **only applies to the letting of, or disposal of, premises** and not the treatment of tenants, licensees or other occupiers.
- It **applies only to landlords** and not to accommodation, letting or estate agencies acting on their behalf. Accommodation agencies that carry out discriminatory instructions from landlords, even though the property itself may be exempt, will be contravening the Order.
- Discriminatory advertisements are not permitted, even if the dwelling comes within the small dwellings exemption.

2.79 In letting small dwellings, indirect discrimination on grounds of colour or nationality should be avoided.

## Care & attention

- 2.80 The goods, facilities or services provisions and the disposal or management of premises provisions do not apply to anything done by a person as a participant in arrangements under which they (for reward or not) takes into their home and treats as if they were members of their family, children, elderly persons, or persons requiring a special degree of care and attention.
- 2.81 Therefore, a person cannot make a complaint under the goods, facilities and services provisions and / or under the disposal or management of premises provisions of the Order when they have accepted any arrangements made by another person to take them into their home and to treat them as a member of their family.

Article 24

## Meeting the special needs of racial groups

- 2.82 It is lawful for action to be taken to provide access to facilities or services to meet the special needs of a particular racial group in regard to their education, training, welfare or any ancillary benefits.
- 2.83 The inclusion of 'welfare' in the provision for special needs of racial groups allows for positive action to be taken to assist access to accommodation services by particular racial groups.
- 2.84 Chapter 5 contains a longer consideration of the meeting of the special needs of particular racial groups.

Article 35

### **Example 25 – Special needs of racial groups**

The Chinese community was experiencing problems finding suitable accommodation for their older members who required supported / sheltered housing in a large market town. Through extensive research and consultation, it was shown that Chinese elders did not settle well in traditional mixed housing schemes. These traditional housing schemes did not cater for the specific needs of Chinese elders; such as diet, language and community support.

A local housing association, in conjunction with the local Chinese welfare organisation, developed a supported housing scheme for older Chinese people.

Given the demonstrated need and past difficulties, the organisations relied on the exemption 'for meeting the special needs of racial groups'.

- 2.85 Those wishing to use positive action measures should seek advice from the Commission before proceeding in order to ensure that they comply with the law.

## **3 Good Practice in the Provision of Housing & Accommodation**

3.1 Chapters 4 to 9 consider how the provisions of the Order and other relevant legislation should be applied to the field of housing and accommodation. The following chapters address:

### **Chapter 4 Promoting Good Practice in Housing Policy & Strategy**

- This chapter examines how housing organisations should adopt a proactive approach, based on regular audits and ongoing monitoring, to ensure compliance with the Order and other Northern Ireland legislation.

All housing organisations not only have duties under the Order in respect of the services they provide, but as employers they are liable for any act of discrimination or harassment carried out by an employee in the course of their employment.

Public bodies, which include public housing providers, and registered housing associations and other bodies carrying out housing functions have duties under Section 75 of the Northern Ireland Act 1998 in respect of maintaining racial equality and promoting good relations between different racial groups.

Therefore, all housing organisations are responsible for assessing the implications of the Order, and other Northern Ireland legislation, for the way they conduct their affairs.

Chapter 4 stresses the importance to all housing organisations that they should incorporate changes, through rigorous research and consultation, into their strategies, policies, procedures and practices. All modifications to policies, procedures and practices should be communicated to employees, contractors and tenants by way of formal training sessions, regular briefings and updates or through newsletters and circulars.

## **Chapter 5 Providing New Accommodation**

- In the provision of new accommodation all housing organisations, whether in the private or social housing sectors, should review and consider whether their existing provision meets the requirements for the increasingly diverse Northern Ireland population; in terms of the property's size, type and location.

Chapter 5 examines the assessment and prioritisation of accommodation in terms of type, size and design for specific racial groups. It also supplies guidance for housing organisations wishing to take action in the provision of access to facilities or services to meet the 'special needs' of a particular racial group in regard to their education, training, welfare or any ancillary benefits. This chapter stresses the importance of meaningful consultation in the provision of accommodation for minority ethnic groups.

## **Chapter 6 Selling & Letting Accommodation**

- It is unlawful to discriminate against, or cause harassment to, anyone on racial grounds in the letting and selling of accommodation. Furthermore, under the provisions of Section

75 of the Northern Ireland Act, designated public authorities have a specific duty to promote equality of opportunity and good race relations in the way that access to accommodation is managed. Therefore, all housing organisations should take great care to ensure that the way they sell or let accommodation or facilitate the selling or letting of accommodation is free from racial discrimination and harassment.

This chapter addresses the provision of information regarding accommodation and accommodation-related services. This includes the provision of information by housing organisations to enable consumers to make informed decisions about whether to pursue accommodation in an area with a history of racial harassment.

It is unlawful for housing organisations to set quotas for the letting of accommodation unless it is to meet the specific needs of racial groups. It is also unlawful for housing organisations to segregate people according to racial group. Chapter 6 provides guidance on these issues.

Finally this chapter supplies guidance on specific issues regarding the selling and letting of housing within the private and social housing sectors. It also includes guidance on the provision of accommodation to Irish Travellers.

## **Chapter 7     Managing Accommodation**

- It is unlawful to discriminate or subject someone to harassment on racial grounds in the management of accommodation. Under Section 75 of the Northern Ireland Act 1998,

designated public authorities have responsibilities to manage accommodation in a way that promotes equality of opportunity and good race relations. Therefore, landlords need to be particularly sensitive to the way their accommodation is managed in order that those from minority ethnic communities can enjoy equality of opportunity in an environment free from harassment.

This chapter stresses the importance of ensuring that people unfamiliar with housing law in Northern Ireland, or those whose first language is not English, understand the nature of the agreements they are entering into and of their rights and responsibilities.

Chapter 7 also provides guidance for landlords. This includes: the setting and collecting of rent, including the recovery of arrears; the maintenance and improvement of housing stock; and how to tackle anti-social behaviour and deal with disputes. This chapter provides guidance on the enforcement of standards in privately rented housing, including the protection of tenants from landlord harassment and illegal eviction, and the utilisation of service user groups or involvement programmes.

Finally, Chapter 7 examines how to ensure comparable rights for Irish Travellers with others. Guidance is also provided on the management and removal of unauthorized encampments.

## **Chapter 8      Creating Safe & Inclusive Neighbourhoods**

- All organisations concerned with housing and accommodation have a role in combating

racial harassment and in creating communities where people can live safely.

Chapter 8 examines the implementation of strategies to foster of good race relations and how to respond to flags and emblems. This chapter also provides guidance on tackling racial harassment through the development of policies, procedures and good practice measures in both private and social housing.

## **Chapter 9 Giving Information & Advice**

- Organisations responsible for selling, letting and managing homes and providing other accommodation-related services must not discriminate on racial grounds in the way they provide information.

Chapter 9 outlines the need for organisations to develop clear communication policies for minority ethnic groups. It addresses the provision of written and other forms of communication; such as audio and video tapes, open days and exhibitions. This chapter stresses the use of interpretation services and the use of community resources and the use of outreach workers.



## **4 Promoting Good Practice in Housing Policy & Strategy**

### **Introduction**

- 4.1 All housing and accommodation organisations have duties under the Order in respect of the services they provide.
- 4.2 Housing and accommodation organisations are also responsible as employers. An employer may be liable for any act of discrimination or harassment carried out by an employee in the course of their employment, even if the act is carried out without the employer's knowledge or consent. If proceedings were brought under the Order, employers maybe able to state in their defence that they have taken all reasonably practicable steps to prevent an employee from carrying out acts of discrimination or harassment.
- 4.3 The reader is strongly recommended to read:
- “Develop & implement an inclusion strategy” section within this chapter;
  - “Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment” published by the Commission; and
  - other guidance materials published by the Commission.
- 4.4 Public bodies, which include public housing providers, registered housing associations, and other bodies carrying out housing functions have a duty, under Section 75 of the Northern Ireland Act 1998, when carrying out their functions, to have due regard to the need to promote equality of opportunity between persons of different races and to have regard for the desirability of promoting good relations between persons of different racial groups (see Chapter 2).

**Article 32 (1)  
– (3)**

**Article 32 (5)**

- 4.5 All housing organisations are responsible for assessing the implications of the Order for the way they conduct their affairs. A proactive approach, based on regular audits and ongoing monitoring, should be adopted to ensure compliance with the legislation and this Code. Where, as a result of such a review, changes are identified, these need to be incorporated into policies and consulted upon where appropriate. Any resultant modifications to procedures and practices should then be communicated to employees, contractors and tenants by way of formal training sessions, regular briefings and updates or through newsletters and circulars.
- 4.6 Where organisations are contracting out some of their functions to other organisations, it is essential that there are adequate instructions given to them about the need to comply with the Order. Consideration should be given to the inclusion of appropriate clauses within contracts which ensure compliance with equality legislation (such practice is known as contract compliance).

## **Development & implementation of an inclusion strategy**

- 4.7 Housing and accommodation organisation are more likely to comply with their duties under the Order, and to minimise the risk of legal action being taken against them, if they implement ant-discrimination policies, practices and procedures.
- 4.8 In the event that legal action is taken, a housing and / or accommodation organisation may be asked to demonstrate to a county court they have effective policies, practices and procedures in place to minimise the risk of discrimination.

4.9 Good practice measures which housing and accommodation organisations are recommended to put in place in order to be more inclusive are:

- **Assess** the impact of the Order and other equality legislation;
- **Develop** inclusive policies, practices and procedures;
- **Consult** on all policies, practices and procedures;
- **Communicate** all policies, practices and procedures;
- **Allocate responsibility** for all policies, practices and procedures, that will also allow the organisation to:
  - Deal effectively with complaints
- **Provide training and guidance** on all policies, practices and procedures; and
- **Monitor and review** all policies practices and procedures.

## **Assess the impact of the Order & other equality legislation**

4.10 All organisations should consider whether they need to change the way they carry out their current work in the light of the Order and the contents of this Code. In addition, when starting on new programmes of work or introducing new policies, organisations need to assess the racial equality implications and ensure they are complying with all the relevant provisions in the Order and in the Code.

4.11 Public authorities have additional responsibilities under Section 75 of the Northern Ireland Act 1998 which requires them to conduct equality impact assessments and publish the results. For further information on the Section 75 obligations placed on public bodies, see the Commission's website: [www.equalityni.org](http://www.equalityni.org).

- 4.12 The Commission has issued “Guidance for Implementing Section 75 of the Northern Ireland Act 1998”. This states that an equality impact assessment of an organisational policy requires seven separate elements:
- Defining the aims of the policy
  - Consideration of available data and research
  - Assessment of impacts
  - Consideration of:
    1. Measures which might mitigate any adverse impact
    2. Alternative policies which might better achieve the promotion of equality of opportunity
  - Consultation on the actual impact of existing policies and the likely impact of proposed policies
  - Decision by public authority and publication of report on results of equality impact assessment
  - Monitoring for adverse impact in the future and publication of the results of such monitoring.
- 4.13 It is imperative for designated public authorities who are engaged in the provision of housing and accommodation to follow the up-to-date guidance available from the Commission.

## **Development of inclusive policies & procedures, including racial equality in housing strategies**

- 4.14 All housing organisations should consider whether they need to compile new, or review their existing, documents that relate to racial equality matters. The nature and length of the documents that are required will vary depending on the type and size of the organisation involved. Racial equality issues may be addressed in a ‘stand alone’ document that deals exclusively with these matters or they may be part of a document that deals with other issues.

4.15 Three types of documents are now considered: inclusion policies, procedures and housing strategies.

### **Inclusive policies**

4.16 It is recommended that all organisations concerned with housing and accommodation develop and implement a clear, comprehensive, effective and accessible written inclusion policy which specifically covers race.

4.17 The inclusion policy should try and set out, both for those within and those outside the organisation, in clear terms the organisation's commitment to promotion of racial equality. The policy also needs to make it clear to all that race discrimination is unlawful and will not be tolerated in any aspects of housing and accommodation and all related services.

4.18 The Commission has published a "Model Equal Opportunities Policy" that organisations may wish to use as the starting point for the preparation of their policy statements. Please note, this model policy has been developed for use by employers. However, some organisations may wish to adapt this equal opportunities policy to apply more generally to customers or users / beneficiaries of their services. The same basic principles apply but organisations must take care to ensure that the wording of their policy is clear and accurate and that they understand what they are committing to.

### **Procedures**

4.19 Any inclusion policy is only as good as the procedures and practices that support its enactment. A housing and accommodation organisation's policy requires clear and unambiguous procedures to ensure people of different races have the same rights as all people in:

- access to services by the public – accommodation, grants etc;
- management of accommodation or services;

- information and publicity;
- service user consultation and involvement;
- promoting good race relations and tackling racial harassment; and
- ethnic monitoring.

4.20 The scope of these procedures will vary according to the type of organisation. In the case of small organisations, procedure documents may only be short statements of what is required. Larger organisations will need to have more detailed documents.

4.21 Importantly, people belonging to different racial groups will need to know how to access the processes through which their rights can be expressed. All policies need to have procedures that are clear, transparent and easily accessible. Remember, not all service users have English as their first language, therefore, alternative formats of policies and procedures may need to be made available.

### **Housing strategies**

4.22 Racial equality strategies for housing are different from equality policies and procedures. They are based on an assessment of the needs of the different communities and should be drawn up in consultation with the communities who will be affected and with other important stakeholders. They set out in detail for both an internal and external audience what the organisation proposes to do to meet the needs that exist and to tackle discrimination, and promote equal opportunities and good race relations.

4.23 A racial equality in housing strategy should not only set out what is to be done but should also contain an action plan that describes how, by whom and when action is to be taken. Organisations preparing such strategies should endeavour to make sure that they have identified sufficient resources to achieve the targets set out in the action plan. Targets should be reviewed and re-set on a regular basis.

- 4.24 It is recommended that all social housing landlords should draw up a racial equality in housing strategy. At the time of first publication of this Code, the Northern Ireland Housing Executive's "Race Relations Policy", which takes into account the Northern Ireland Government's ongoing Race Equality Strategy provided an example of what could be formulated. Government and other organisation strategies, policies and procedures may change over time. The reader is strongly recommended to seek guidance on current Government or other organisation strategies, policies and procedures.
- 4.25 The Chartered Institute of Housing, Federation of Black Housing Organisations and the Housing Corporation published "Black and Minority Ethnic Housing Strategies: A Good Practice Guide" which details guidance on drawing up strategies. This is a useful resource and guidance document.

### **Consult on all policies, practice & procedures**

- 4.26 It is good practice for all housing and accommodation organisations to consult with appropriate consultees; such as housing groups, groups which represent minority ethnic groups and tenants and residents directly. The following chapters provide guidance on consultation.

### **Communicate all policies, practices & procedures**

- 4.27 To create an inclusive culture within a housing and accommodation organisation, and within the sector as a whole, it is vital that housing and accommodation organisations effectively communicate their inclusion policy and all other policies or procedures they may have relating to equal opportunities; for example, an anti-bullying and harassment policy to all tenants, managers and employees, and contractors.

4.28 This could be done to either tenants or staff, for example, through:

- tenant / resident meetings;
- tenant handbooks;
- tenancy contracts;
- notice boards;
- circulars;
- staff handbooks;
- written notifications to individual tenants and employees;
- equal opportunities training to staff;
- management training; and / or
- training manuals.

4.29 It is recommended that housing and accommodation organisations take all available opportunities, especially when recruiting new tenants or staff, to ensure that their policies, practices and procedures are widely known. No one should be in any doubt about the organisation's inclusion policies and practices.

4.30 It is recommended that a housing and / or accommodation organisation's inclusion policy and its procedures are accessible to all tenants and employees, particularly those whose first language is not English. It is also recommended that accessibility is sought in respect to their language, format, content and implementation. Further information can be found in "Chapter 9 – Giving Information & Advice" and by contacting the Commission.

## **Allocate responsibility for all policies, practices & procedures**

- 4.31 Housing and accommodation organisations are strongly recommended to allocate responsibility for their inclusion policy, and its procedures and practices to a member of senior management.
- 4.32 Responsibility for ensuring compliance with the inclusion policy and its procedures could be incorporated into the job descriptions of all employees.
- 4.33 In the appraisal process of employees, it is recommended that housing and accommodation organisations try to set objectives for personnel staff and those with management responsibilities in relation to how they have contributed to the implementation of the organisation's inclusion policy and its procedures.
- 4.34 Where applicable, equal opportunities actions could be incorporated into the housing and accommodation organisation's business plan and strategies (racial equality in housing strategies).

## **Deal effectively with complaints**

- 4.35 It is essential that housing and accommodation organisations deal effectively with all complaints of racial discrimination.
- 4.36 All complaints of discrimination should be dealt with promptly, seriously, sympathetically, confidentially and effectively. By dealing with complaints in this way, housing and accommodation organisations are reinforcing their message to all tenants, employees and their agents (including contracted workers), that they consider complaints of discrimination, in all areas, as a serious matter.
- 4.37 Housing and accommodation organisations must take all reasonably practical steps to ensure that individuals who do raise complaints of discrimination, regardless on what grounds, are not victimised because of their complaints.

4.38 It is strongly recommended that housing and accommodation organisations try to ensure that their complaints procedures are accessible to all tenants. They should be accessible in respect to their language, format, content and implementation.

## **Provide training & guidance on all policies, practices & procedures**

4.39 Since employers may be liable for the actions of their staff, it is important that they make sure that their employees are aware of:

- the provisions in the Order;
- the guidance in this Code;
- the housing and accommodations organisation's inclusion policy, procedures and practices;
- how racial discrimination and harassment can arise;
- how to avoid racial discrimination and harassment; and
- when racial discrimination and harassment occurs how should it be dealt with; for example, by using the organisation's complaints procedure.

4.40 Where possible, employers should provide, or make available, training for all employees. Case law has shown that an organisation needs to do all that is reasonably practicable to ensure that it is not found to be vicariously liable for the discriminatory actions of its employees (even if this means arranging anti-discrimination training for the entire workforce). Training may also include:

- the content and implications of all legislation relating to racial equality;
- how particular racial groups may face disadvantage in relation to access to accommodation and accommodation services;

- details of any specific needs of the particular racial groups living in the areas the organisation serves;
- details of the organisation's own strategy (where relevant) and policies and procedures to comply with the Order and other legislation relating to racial equality; and
- the responsibilities of employees in complying with the law and with the organisation's strategy, policies and procedures.

4.41 Where appropriate, housing organisations may also give consideration to providing training for board or management committee members. Housing providers may also consider, where appropriate, the need for providing training to tenants, residents or other service user representatives who are involved in consultative forums and working groups.

4.42 Training may be provided not only to those responsible for managing accommodation, but also for those providing housing advisory services to the public and contractors carrying out functions, such as repairs and maintenance, on behalf of the organisation.

4.43 It is recommended that all training and guidance is regular, relevant and up-to-date.

4.44 By itself, training is not sufficient and will only be successful if it is backed up by appropriate policies and procedures and commitment from senior management in the organisation. The Commission for Racial Equality published "Training: Implementing Racial Equality at Work - A Curriculum Guide". The publication states that training will not be successful unless there is:

- senior management support for the training - those at the top must be seen to be part of the training process;
- continuing management support for the training effort;
- back up for any subsequent changes in practices and policies; and

- careful consideration of the resources needed.

It is recommended that all housing organisations adopt these principles.

4.45 Representative and professional bodies, such as the:

- Chartered Institute of Housing (Northern Ireland);
- Northern Ireland Federation of Housing Associations; the
- Northern Ireland Landlords' Association;
- National Association of Estate Agents;
- Irish Auctioneers' and Values' Institute;
- Council for the Homeless (Northern Ireland); and
- Local Government Staff Commission

should actively consider what they can do to facilitate racial equality training in housing and accommodation for their members.

## **Monitoring & review of all policies, practices & procedures**

4.46 It is recommended that all housing and accommodation organisations monitor and review the implementation of all policies and procedures, including racial equality in housing strategies. Monitoring and reviewing is an important way of determining whether inclusive strategies taken by an organisation are effective. It helps a housing and accommodation organisation to ensure that all housing and accommodation provision is inclusive. For further guidance, please read the section on “Responsibilities for monitoring” within this chapter.

4.47 Equality monitoring is the process of collecting, storing and analysing information that is relevant to, and necessary for, the purpose of promoting equality of opportunity between different categories of persons.

- 4.48 Both in employment and service delivery, monitoring enables you to identify or keep under review the existence or absence of equality of opportunity or treatment between different categories of persons. The basic purpose is to highlight possible inequalities, help to investigate why these might be occurring and whether action needs to be taken to remove any unfairness or disadvantage.
- 4.49 Monitoring on grounds of race has a vital role to play in checking whether racial discrimination exists. It may help in determining whether any particular racial groups are facing disadvantage. By itself, it does not prove discrimination is taking place but can trigger important questions about policies, procedures and processes that may need investigation. Monitoring on grounds of race also allows organisations to carry out further diagnostic research to identify potential barriers which prevent certain racial groups from enjoying equality of opportunity or equality of outcomes.
- 4.50 The Commission would strongly advise all housing and accommodation organisations to monitor across as many equality groups as would be considered reasonable. For example, Section 75 of the Northern Ireland Act 1998 places a statutory duty on public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:
- Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation.
  - Between men and women generally.
  - Between persons with a disability and persons without.
  - Between persons with dependents and persons without.

4.51 The Commission is developing guidance for public bodies that wish to undertake monitoring as part of their statutory duty under Section 75 of the Northern Ireland Act 1998. To obtain the draft or final publication of “Section 75 Monitoring for Use by Public Authorities” visit the Commission website: [www.equalityni.org](http://www.equalityni.org)

### **Responsibilities for monitoring**

4.52 It may not realistic to expect all organisations involved in housing and accommodation services to carry out ethnic monitoring. However, some organisations, because of their size and nature, have important responsibilities and should be in a position to know whether discrimination or other barriers to equality exist. Therefore, it is strongly recommended that the following organisations should carry out ethnic monitoring of their services:

- Northern Ireland Housing Executive;
- registered housing associations;
- private landlords managing a large number of dwellings in Northern Ireland;
- mortgage lenders;
- district councils for their accommodation-related provisions, protection and enforcement services; and
- large organisations which provide and manage accommodation for their employees or students (e.g. health trusts and universities).

4.53 Housing advice agencies and voluntary organisations providing hostels and similar accommodation should give serious consideration to the need for ethnic monitoring.

4.54 For landlords, the key area for monitoring is analysis of those who apply for, and those who are let accommodation. Social housing landlords should include those applying for, and receiving, accommodation on the basis that they are homeless.

- 4.55 Social housing landlords should also introduce ethnic monitoring arrangements for the parties involved in incidents of antisocial behaviour, including racial harassment. This should include monitoring of the people against whom formal action is taken, for example eviction and antisocial behaviour orders.
- 4.56 Social housing landlords should also consider the need for ethnic monitoring in other areas of activity, for example repairs and improvements to their housing, service user involvement and housing advice. In conjunction with this it may be useful to record additional data such as the quality of accommodation, complaints received, re-housing applications, and requests for (and transfers to) other properties etc.
- 4.57 The Northern Ireland Housing Executive should also keep ethnic records of those who apply for, and who receive, grant aid for the improvement, repair and adaptation of housing and / or accommodation.
- 4.58 Most lettings by social landlords are made under the common selection scheme. In order that landlords can carry out their monitoring responsibilities, the Northern Ireland Housing Executive should facilitate easy access to aggregated data to participating landlords.

### **The practicalities of monitoring**

- 4.59 The Commission has issued the draft publication “Section 75 Monitoring for Use by Public Authorities”. All housing and accommodation organisations designated under Schedule 9 of the Northern Ireland Act 1998 should take guidance from this publication with respect to all equality monitoring, including ethnic monitoring. Furthermore, in Great Britain, the Commission for Racial Equality has published “Ethnic Monitoring: A Guide for Public Authorities (Non-Statutory)”. All larger housing and accommodation organisations, including public authorities, are strongly recommended to take guidance from this publication.

- 4.60 However, it is recognised that there is no ‘one-size-fits-all’ approach to equality monitoring. Housing and accommodation organisations are diverse and vary across a number of dimensions, including size of the organisation, geographic area served, functions and operational characteristics, and the composition of client or user groups.
- 4.61 Therefore, monitoring systems should be tailored to the organisation’s size and circumstances, whether they are public sector or private sector organisations. Smaller housing and accommodation organisations, with only a few lettings, may adopt simpler systems than those implemented by larger organisations.
- 4.62 Monitoring enables service providers, including housing and accommodation organisations, to identify or keep under review the existence or absence of equality of opportunity or treatment between different categories of persons. The basic purpose is to highlight possible inequalities, help to investigate why these might be occurring and whether action needs to be taken to remove any unfairness or disadvantage.
- 4.63 Equality monitoring methods used for collecting information about service users can be divided into three broad groups, as follows:
- **Direct methods:** These involve asking tenants, residents, applicants for housing and accommodation, and all other service users themselves to provide the requisite information; that is, self-classification;
  - **Indirect methods:** Administrative information is combined with other sources to draw inferences about selected characteristics of tenants, residents, and all other service users; and

- **Qualitative methods:** These include focus groups and targeted consultations. While they do not provide a quantitative framework for analysis of participation and uptake, application and residency, qualitative methods can serve to complement and broaden a quantitative approach.

### Direct methods

4.64 The direct methods that can be used to collect information on the equality characteristics of tenants, residents, and all other accommodation and service users are:

- **Routine administrative data collection:** Items of information that are requested from service users on a 'need to know' basis because of their direct relevance to service delivery;
- **User or exit surveys:** The collection of information on the characteristics of a sample of those using and / or benefiting from a service; and
- **Equality monitoring forms or questionnaires:** Forms used in the collection of information for the specific purpose of equal opportunities monitoring.

### Indirect methods

4.65 Indirect methods for equality monitoring fall into two main areas:

- **Other Classifications:** this occurs where someone other than the individual concerned makes a judgement regarding how the individual should be classified – i.e. to which ethnic group a person belongs; and
- **Proxy indicators:** These rely on statistical correlations between an equality classification and some other attribute. For example, the use of postcodes to determine equality characteristics.

## **Qualitative methods**

- 4.66 Qualitative methods provide a means of exploring people's needs and experiences in relation to a policy, practice or procedure. Qualitative methods include:
- case studies;
  - semi / unstructured depth interviews;
  - focus groups.
- 4.67 Qualitative and quantitative methods can often be complementary. For further guidance on monitoring service users please refer to the Commission's publication "Section 75 Monitoring for Use by Public Authorities."

## **Communicating the need to monitor**

- 4.68 Staff, residents and tenants, new applicants and other agencies need to understand why the organisation has introduced monitoring. They will need to be assured that all information is treated as strictly confidential. All those subject to monitoring should be kept informed of progress, the results of monitoring, and any steps that are being taken to deal with any significant inequalities in services. Failure to do this could lead to mistrust, and even cynicism, as well as allegations that some groups are being favoured over others. Openness and transparency in all components of the monitoring process are essential for the success of a policy, procedure or the organisation's racial equality strategy.
- 4.69 Monitoring by racial group, especially by the Northern Ireland Housing Executive and registered housing associations, might entail setting 'targets'. It is important to emphasise that targets are not quotas, which are unlawful. Targets are merely a method of managing progress towards a particular end. They could be described as 'objectives' or 'goals', set as part of an organisation's racial equality strategy. For example, if an organisation finds that it is allocating fewer properties to people from a particular racial group, it may want to take steps to ensure equality of treatment. These might include looking at the ways its systems are operating,

or considering different ways of reaching and involving the group in question, or providing specific racial equality training for certain staff. For further information please refer to Chapter 6 – Selling & Letting Accommodation”.



## **5 Providing New Accommodation**

- 5.1 All those who provide accommodation, whether in the private or social housing sectors, should review their provision and consider whether it meets the requirements (in terms of the property's size, type and location) for an increasingly diverse population in Northern Ireland. New challenges require new provisions, so newer, more creative ways of meeting these challenges may need to be developed. Any plans should be fully inclusive.
- 5.2 The Northern Ireland Housing Executive (the “Executive”) is a designated public authority under Section 75 of the Northern Ireland Act 1998 and, as such, it has duties, when carrying out their functions, to have due regard to the need to promote equality of opportunity between persons of different races and to the promotion of good relations between different racial groups. It is recommended that the Executive make full use of its Section 75 duties to maximise any plans for, and any provision of, adequate accommodation for minority ethnic communities. It is also recommended that any positive action measures aimed at meeting the specific needs of different ethnic groups are developed and reviewed regularly through extensive, inclusive and robust consultation.
- 5.3 If some of the current responsibilities of the Executive transfer to new or other existing statutory providers, these organisations should take note of both the recommendations in this Code and any good practice initiated by the Executive while still in its current role.

## **Assessing & prioritising accommodation requirements**

- 5.4 Traditional sources of information about housing needs, such as waiting lists, may be an insufficient way of measuring the requirements of all minority ethnic groups as some people from these groups may not apply for accommodation. This may be because they are unsure of what is available or they may feel that what is available is not appropriate to their requirements and preferences.
- 5.5 The Executive is well placed to carry out on-going research on possible hidden needs within various existing and emerging communities. The Executive may be receptive to approaches made by organisations and groups representing, or working with, particular minority ethnic communities, such as community groups, advisory organisations and registered housing associations. These organisations may have information about hidden needs and may feel that particular avenues of inquiry should be explored.
- 5.6 It must be recognised that new and emerging housing and accommodation needs may not be translated into identifiable housing and accommodation requirements for some time after a period of inward migration. A time-lag may also exist before new migrants express their housing and accommodation requirements by placing their names on waiting lists. Consequently, issues relating to the management of migration and the need to respond to other emerging housing and accommodation needs requires particular attention in order to enable the Executive, as the current strategic provider, to be ever responsive to these changing needs.
- 5.7 Further information about needs assessment can be found in the report “Assessing Black and Minority Ethnic Housing needs” published the Housing Corporation.
- 5.8 In addition to the assessment of needs, the Executive has responsibility for prioritising these and taking account of all relevant Government policies.

- 5.9 Prioritisation requires a sophisticated approach involving balancing a number of factors. Because, by definition, any specific needs of minority ethnic communities will be smaller than those of the majority communities in Northern Ireland, care should be taken that they are not overlooked. When deciding on priorities, as well as the numbers of people in need, account may have be taken of the degree of need and the ability of different groups to access accommodation. Plans to meet social housing need must be fully inclusive to all, irrespective of racial group. Housing and accommodation providers should ensure that in measuring need, additional sources of data are used where more traditional sources do not measure the emerging or special needs of minority ethnic communities, including migrant workers and Irish Travellers.
- 5.10 The assessment of the needs of migrant workers will form an integral part of a housing provider's needs assessment. It is recommended that the Executive consider whether there is a requirement for specific provision within the social rented sector for migrant workers, particularly where workers are having difficulty in accessing good quality private rented accommodation. Plans to meet housing need should be discussed in full consultation and cooperation with the communities to be housed.
- 5.11 It is recommended that those responsible for the planning and development of Irish Traveller sites actively assemble evidence on an ongoing basis as to whether there is a need for additional sites. This may include carrying out specific Irish Traveller surveys, monitoring site occupancy levels and assessing the pattern of unauthorised encampment in particular areas. The public body may bring forward proposals where any needs are found to exist.
- 5.12 The Order recognises the historically nomadic way of life of Irish Travellers. The lack of suitable provision of accommodation to meet the needs of Irish Travellers who follow a nomadic way of life, may constrain the choice of Irish Travellers to follow this way of life. This in time could force Irish Travellers into a settled way of life, a form of discrimination that has been termed 'sedentarism'. A term

which relates to all those ideas and practices that are based upon and tend to reproduce sedentary (i.e. settled) modes of existence as the norm.

- 5.13 It is recommended that the Executive ensures that adequate provision of suitable accommodation (including halting sites) is made for Irish Travellers so that they can follow their traditional nomadic way of life.
- 5.14 Those responsible for Irish Traveller sites may undertake comprehensive, regular and on-going strategic needs assessments of current and projected accommodation requirements of all Irish Travellers in consultation with Irish Traveller organisations, members of the Irish Traveller community and other interested parties. Ideally a system should be set up to enable such assessments to be regular and on-going. All assessments could include options to allow Irish Travellers a choice of accommodation. For example:
- accommodation within the settled community;
  - in a group housing scheme; or
  - on serviced or transit sites.
- 5.15 It should also reflect the accommodation requirements of those Irish Travellers who wish to continue a nomadic way of life and ensure that proper provision is made for this throughout Northern Ireland. It is recommended that regular liaison takes place between the Executive and other Government departments in Northern Ireland and specific public bodies in Ireland including local authorities in order that adequate provision exists in the border counties.

- 5.16 The Executive may take a view on the balance to be struck between meeting minority ethnic accommodation needs through:
- **Mainstream provision** - Accommodation will need to cater for minority ethnic communities in terms of its location, size, type and design.
  - **Specific provision** - Examples include caravan sites and grouped housing for Irish Travellers or sheltered or other supported housing specifically tailored to the needs of other minority ethnic groups.

## **Type, size & design of accommodation**

- 5.17 Minority ethnic communities may have specific needs that should be identified and addressed. There may be specific cultural requirements that may determine the design of accommodation; for example, the provision of housing with two separate areas of living accommodation so that men and women can sit separately during family gatherings. There may be specific economic factors that need to be taken into account. For example, where housing or sites are to be provided for Irish Travellers, consideration should be given to the provision of adjoining workspaces, so that the residents can continue to carry out the work in which they have traditionally been engaged.
- 5.18 Some minority ethnic communities suffer disadvantage because of the shortage of houses with four or more bedrooms. Research into the needs of particular communities may need to take particular account of this issue. Where shortages are identified, programmes of new house building, conversions or house extensions to meet these shortfalls may be considered. All those involved in the planning, funding and design of such accommodation, where possible, should try to ensure that these issues are addressed.

- 5.19 In addition to needs in the social housing sector, there may also be a need for additional larger, but affordable, houses in the private sector in some areas. Housing and accommodation organisations within the private sector may adopt the same guidance as for public sector housing and accommodation organisations as outline above.
- 5.20 In some cultures, there may be a particularly strong preference for owner-occupation. However, some households may not be able to afford an outright purchase. The scope for meeting these needs through co-ownership housing could be explored by the relevant bodies in Northern Ireland.

## **Providing accommodation for specific racial groups**

- 5.21 The Order makes it lawful for action to be taken to provide access to facilities or services to meet the ‘special needs’ of a particular racial group in regard to their education, training, welfare or any ancillary benefits.
- 5.22 Examples of accommodation schemes that could target the needs of particular racial groups include:
- sheltered housing for older Chinese people;
  - refuges for Asian women fleeing domestic violence;
  - grouped housing projects for Irish Travellers;
  - caravan sites for Irish Travellers provided under the Housing (Northern Ireland) Order 1981;
  - accommodation (which also provides welfare services) for asylum-seekers and refugees; and
  - accommodation for migrant workers providing sheltered accommodation.
- 5.23 Organisations seeking to develop specific accommodation schemes are recommended to carry out a thorough evaluation of the proposal. It is recommended that the requirements of the various racial groups may also need to

**Article 35**

**The Housing  
(Northern  
Ireland) Order  
1981  
Article 21**

be fully researched. Providers will need to be sure that there are specific needs to be addressed and that there is sufficient demand amongst the 'target' community to fill places in the scheme when it is provided. Where providers are made aware of specific needs, it is recommended that they ensure that such needs are fully assessed before the decision is made that development of such accommodation is unnecessary.

### **Good Practice 1 - Providing housing for Chinese elders**

**BIH Housing Association**, a registered housing association, completed a sheltered housing scheme for Chinese elders in Belfast in 2004.

The scheme comprises 42 flats, including two that are specially designed for wheelchair users. The development also includes a common room, a hobbies room, a hairdressing room and a laundry as well as a 'careline' facility, which provides 24-hour emergency help. All flats are equipped to pick up a Chinese-language satellite television station.

The scheme was designed in consultation with representatives from the Chinese community. A Chinese style of architecture has been adopted, including a distinctive porch, a red front door, rice paper internal doors and no flat with the number 4 (which is believed to be unlucky). Landscaping around the block is also in a Chinese style. Specific features include extractor fans in kitchens, air conditioning in corridors and extra security in the form of a high fence and gates.

Relevant leaflets, such as information on the conditions of the tenancy, how to make a complaint to the landlord, how to deal with anti-social behaviour, and the tenants' handbook have been translated into Cantonese.

There is a resident scheme co-ordinator who speaks both Cantonese and English. She is responsible for day to day management and communication with the tenants. She also

arranges translations of documents, such as letters received by the tenants. BIH liaises with the tenants via the scheme co-ordinator and through the **Chinese Welfare Association (CWA)**. Tenants can feel free to contact the CWA, (who will meet them more frequently than BIH), and CWA will then relay any concerns or complaints to BIH.

## Ensuring meaningful consultation

- 5.24 Meaningful consultation is an essential prerequisite in the course of discussions regarding proposals for the provision of accommodation for minority ethnic groups.
- 5.25 Consultation with representatives of the group that the scheme is seeking to benefit may help ensure that it is appropriate in terms of location, size and design. Consultation with nearby residents may help to allay fears about the scheme and may also result in positive contributions to design. For example, in the way the project relates to its immediate environment. Early consultation with official agencies should ensure that the project complies with all the necessary requirements and helps to build broad-based support. Advance consideration may need to be given to the method of dealing with objections which may not be objective and which may be socially motivated (see below).
- 5.26 It is recommended that consultation take place with agencies which have expertise in the field, including relevant community organisations. For example:
- Irish Traveller support groups; and
  - organisations representing particular minority ethnic communities.
- 5.27 “The Good Practice Guide to Promote Racial Equality in Planning for Travellers” published by the Equality Commission and Traveller Movement NI provides guidance on the way that meaningful consultation with Irish Travellers can be carried out.

- 5.28 Public authorities should not only ensure that they comply with their duties under Section 75 of the Northern Ireland Act 1998 regarding consultation with minority ethnic groups, but also that those measures which they do adopt in order to consult with groups are adequate to reach those communities.

### **Good Practice 2 - Provision of group housing for Irish Travellers**

The concept of group housing as an accommodation option for Irish Travellers dates back to the late 1990s. It is defined as:

- "...residential housing developments with additional facilities and amenities specifically designed to accommodate extended families of Irish Travellers on a permanent basis.' (DoE, 1999. New Policy on Accommodation for Travellers)

A key aim of group housing is to provide suitable lifetime homes for those within the Irish Traveller community who have chosen to settle within a built environment. The schemes seek to enable residents to establish local community links and to improve access to schools and health facilities, whilst respecting the cultural heritage of the families.

A number of schemes have been developed in consultation with both Irish Traveller families and a range of statutory and voluntary organisations:

- a) Fold Housing Association
- b) Clanmil Housing Association

#### **a) Fold Housing Association**

**Fold Housing Association**, a registered housing association, provided the first group housing scheme specifically for extended families of Irish Travellers within the United Kingdom. Two schemes have been built; a group of

cottages in Omagh, Co. Tyrone, which were completed in 2001 and a small cottage development in Castledawson, Co. Derry / Londonderry, which was completed in 2002.

In addition to living accommodation, purpose built stables and a workshop have been provided at the Omagh site and a serviced hard-standing for visiting caravans has been provided at the Castledawson development.

To assist the success of the schemes, the association has worked in partnership with **The Novas Group** who provide support services to tenants in order to promote the sustainability of the tenancies.

In 2005, the **Northern Ireland Housing Executive** published an evaluation of Irish Traveller grouped housing, which included the Omagh scheme. The evaluation included interviews with a range of interested parties, including residents and representatives from government agencies and Irish Traveller support groups. Interviewees were asked to rate the level of commitment shown by the various participating organisations to the project. All of them gave Fold Housing Association five out of five for commitment. Some commented favourably on the fact that the association had invested some of its own funds into the scheme.

#### **b) Clanmil Housing Association**

**Clanmil Housing**, a registered housing association, completed a scheme in Belfast in 2005. In designing the scheme, attention was paid to meeting the specific needs of the Irish Traveller community, with the provision of housing, which could easily be extended to accommodate changing sizes of the Irish Traveller extended family. The housing is located in a prime residential location in Belfast but is not built to normal urban densities in order to mimic the space of more rural settings. The scheme has been designed to mirror as much as possible the outlook from a caravan – the kitchen is located at the front of the house, so that an adult can look out for children who spend much of their time

outdoors in the cul-de-sac. A work yard area has also been provided.

During the design stage, Clanmil worked closely with Irish Traveller support groups to ensure the housing design fully replicated the needs of the customer in terms of cultural requirements.

Prior to the handover of the scheme, in-depth Irish Traveller awareness training was provided for all staff and board members, in order to introduce them to the cultural diversity within the Irish Traveller community. An Irish Traveller support group and representatives from the Irish Traveller community carried out the training.

## **Dealing with objections**

- 5.29 Schemes to meet the needs of particular communities can often be controversial. Members of the public may raise objections. These may well concern issues that can be legitimately raised in the planning process. For example:
- those relating to the appearance of the scheme; or
  - traffic management.
- 5.30 Other objections may question the rationale for the scheme, or claim that specific provision is 'unfair' or 'discriminatory' or allege that the future residents may cause problems locally.
- 5.31 All efforts must be made to discuss these kinds of concerns. However, justification for the scheme will need to be unapologetic and robust, based on evidence of the need and should cite the statutory underpinning provided by the Order.
- 5.32 Where there are protracted difficulties between the community standing to benefit from the scheme and others, an inclusive multi-agency approach should be considered. This could involve developing a communication strategy to include giving advance notice (through the use of positive publicity) of any proposed action and incorporating planned mediation interventions if necessary. The "Good Practice Guide to Promote Racial Equality in Planning for Travellers"

published by the Equality Commission and Traveller Movement NI provides guidance on an effective mediation process.

5.33 Some objections may simply be based on racism. For example, people may argue that the proposal should not go ahead because it is for members of a particular racial group. Such objections are illegal and should not therefore be considered as material in respect of making specific provision. The Order makes it unlawful to put pressure on someone to discriminate on the grounds of race. Please refer to “Chapter 2 – Explaining the Law” and the following examples.

**Article 31**

5.34 Some objections may contain insulting comments about particular racial groups. Such objections could be illegal. The Public Order (Northern Ireland) Order 1987 prohibits the publication or distribution of any written material that is threatening, abusive or insulting and likely to stir up hatred against any racial group.

**Public Order  
(NI) Order  
1987  
Article 19**

5.35 It is recommended that planners adopt a policy for dealing with racist representations in order to provide a framework within which correspondence and other communication of a racist character can be dealt with quickly and effectively. The policy should state that no account will be taken of a racist representation when making the decision that the representation is seeking to influence.

5.36 If those preparing specific needs or other schemes or who are deciding on planning applications receive racist representations, the matter should be referred to the Police Service of Northern Ireland (PSNI) and / or the Commission for advice.

### **Example 26 - Pressure to discriminate in planning to meet specific needs - I**

A local housing association was developing a sheltered / supported housing scheme for older eastern Europeans.

The development manager for the housing association received a telephone call from a member of one of the majority communities. The caller told the manager to stop the development of the scheme for the eastern Europeans. The caller used threatening and intimidatory language; stating that there would be consequences if the project proceeded any further.

### **Example 27 - Pressure to discriminate in planning to meet specific needs - II**

The local statutory organisation with responsibility for providing suitable Irish Traveller accommodation was planning the development of a new Irish Traveller site.

The planning officer at the local planning office received a letter of complaint from members of the public to say that the officer should recommend that planning permission for a proposed Irish Traveller site be refused because they do not want Irish Travellers living near them.

As the letter simply stated that the members of the public did not want Irish Travellers living near them, and as it did not make any other objections, such as those associated with environmental objections, it could have been argued that the objection was based primarily upon the grounds of racial discrimination.

It is unlawful to instruct, induce or attempt to induce a person to discriminate against, or subject a person to harassment. The author(s) of the letter of complaint may be liable under the Order.

- 5.37 Where, following consultation, the appropriate official agencies have decided that they can support the proposal, they should make clear publicly that the proposal has their support. The organisations that are to be involved in the housing and accommodation development are recommended to state the reasons for their support of the scheme clearly and positively and endeavour to ‘speak with one voice’ on this issue.

## **Getting the context right**

- 5.38 The development of housing and accommodation schemes targeted at meeting the specific needs of minority ethnic groups are more likely to proceed smoothly and be operationally successful if they are set within a context of good community and race relations. If people respect differences and accept that people have a right to live in a setting that is appropriate to their cultural heritage then they are much more likely to understand the need for provision for particular racial groups in particular locations.
- 5.39 Good relations strategies, and specific anti-racist programmes have an important role to play in creating the right environment for specific schemes and in building the confidence of the groups who will live in them once they have been built. These issues are considered later in Chapter 8 – Creating Safe and Inclusive Neighbourhoods.

## **Getting the design right**

- 5.40 Housing and accommodation organisation are strongly recommended to seek expert advice on the design of schemes and developments for minority ethnic groups. The reader is reminded that information and views regarding solutions to meet the needs of minority ethnic groups may best be obtained from the minority ethnic groups concerned.
- 5.41 The Order does not specifically require anyone to obtain expert advice about meeting the housing and accommodation requirements for minority ethnic groups.

However, in practice it may sometimes be advisable to do so as to comply with principal duties set out in the Order.

- 5.42 By definition, schemes targeted at meeting the specific needs of particular racial groups should be designed to suit the cultural expectations of those groups. These expectations are likely to influence both the physical design of the facilities and the way it is managed.
- 5.43 Any difficulties encountered in accommodating cultural sensitivity in a scheme may not delay the development unduly. These difficulties should not be used as an argument against specific provision.
- 5.44 The design of the physical form of a housing and accommodation scheme or development needs to be given careful attention, as mistakes may be costly and may be very difficult, if not impossible, to put right. A key element of the consultative process should concern design.
- 5.45 Account should also be taken of the recommendations and examples of good practice mentioned in existing publications, official reports, and design guides. Any subsequent publications should also be taken into account.

## **Specific accommodation for Irish Travellers**

- 5.46 This Code does not provide specific guidance on Irish Traveller site provision. Those organisations responsible for Irish Traveller site provision may refer to “The Design Guide for Traveller Accommodation” issued by the Department of the Environment in 1997 which provides guidance on many aspects of site provision including:
- site investigation and scheme design;
  - site design, including size and layout, access and roadways, play provision, community facilities and work space;
  - pitch design, including layout and amenity units; and
  - construction issues and services.

- 5.47 Furthermore, in “A Response to the Recommendation in the Promoting Social Inclusion Working Group Report on Travellers” issued by the Office of First Minister and Deputy First Minister, Recommendation 9 of the PSI Working Group Report on Travellers includes two specific design points:
- accommodation should contain play and community facilities where needed; and
  - design should incorporate space for economic activity where required alongside living areas.

## **Making progress**

- 5.48 All housing and accommodation projects take time to plan. It is possible that, because of the degree of consultation required and the fact that schemes are in some ways all unique, specific needs schemes may take longer to bring to fruition than other projects. But undue delays must be avoided. Otherwise, resentment can be created if members of the communities who are to benefit feel that their needs have been given a low priority.
- 5.49 The Executive should have a pivotal management role in ensuring that schemes move forward. The Executive is the strategic housing authority with responsibility for making sure that housing needs are identified and met. It should monitor all individual schemes throughout their development processes in order to ensure that adequate progress is being made and intervene when necessary in order to resolve difficulties.
- 5.50 The development of specific housing and accommodation schemes for minority ethnic groups, including those for Irish Travellers, need to be proactive and timely.

5.51 In 2005, the Executive made recommendations relating in “Evaluation of Traveller grouped housing”. However, two of the recommendations within this report have resonance for all specific housing and accommodation schemes for minority ethnic groups, that all housing and accommodation schemes / developments should, where possible:

- be acquired at the earliest opportunity to demonstrate commitment and accelerate the development process; and
- have realistic project deadlines and the reasons for any potential delays are explained to the minority ethnic groups concerned with the scheme or development at the outset.



## **6 Selling & Letting Accommodation**

- 6.1 It is unlawful to discriminate against, or cause harassment to, anyone on racial grounds in the letting and selling of accommodation.
- 6.2 Under the provisions of Section 75 of the Northern Ireland Act 1998, designated public authorities, including the Executive and registered housing associations have a specific duty, when carrying out their functions, to have due regard to the need to promote equality of opportunity between persons of different racial groups and a regard for the desirability of promoting good race relations in the way that accommodation is accessed and managed.
- 6.3 Organisations should take great care to ensure that the way they sell or let accommodation or facilitate the selling or letting of accommodation is free from racial discrimination and harassment.

### **Example 28 - Racial discrimination in the letting of accommodation**

An estate agent, for reasons of safety, indicated in its internal documentation which of its rental properties were "unsuitable" for members of minority ethnic groups and, as a result, some prospective tenants were not offered these particular properties.

This would have been direct racial discrimination. It illustrates the important principle that, irrespective of the motive, an action which, on racial grounds, ultimately results in the denial of opportunity to someone constitutes racial discrimination and is therefore unjustifiable.

If the Commission received a complaint regarding the alleged use of such documentation it could instigate County Court proceedings to obtain an injunction restraining such acts. This is known as a non-discrimination notice.

**Article 60**

Alternatively, the Commission may seek to reach an agreement with the agency. This would involve asking the agency to make an undertaking not to discriminate on racial grounds or be involved either in instructing others, or in accepting inducements from others, to behave in a discriminatory way. Furthermore, if, in future, it appears to the Commission that the agency failed to comply with its undertaking, the Commission could bring the matter before the County Court for a pronouncement on the failure to comply.

### **Giving information about options**

6.4 All organisations concerned with the selling or letting accommodation, with accommodation-related services, or with the provision of information and advice on housing and accommodation should make sure that the information they provide is:

- accurate;
- widely available; and
- accessible to all

regarding all housing and accommodation options.

6.5 Most people who have recently settled in Northern Ireland are likely to be unfamiliar with the local housing market. However, particular racial groups may face greater disadvantage if they are totally unfamiliar with the housing options that are available locally, the housing environment that they find themselves in, and the ways of obtaining housing and accommodation. Accessible information is therefore important. Further recommendations on information provision can be found later in the Code in Chapter 9 – Giving Information & Advice.

6.6 Social housing landlords should make particular efforts to ensure that people in need of housing and accommodation are aware of the housing, accommodation and other services that they offer. Where the ethnic profile of those taking up tenancies in the social housing sector does not match the

profile of people who are in need in the community, as measured by the most up-to-date social surveys which record by way of ethnic or racial origin and other relevant characteristics, then the reasons for this should be investigated and addressed as far as is practicable. Social housing landlords should also be aware that social surveys may often under record minority ethnic groups and so should, ideally, either undertake their own assessment or make use of other data to ensure that they are satisfied with the accuracy of the indicators of housing and accommodation needs for all ethnic community groups in their locality.

## **No justification for direct discrimination**

- 6.7 Treating someone less favourably on racial grounds is, with the very few exceptions (see Chapter 2 – Explaining the Law), directly discriminatory even though the person who is discriminating may feel he or she has a good reason for it.
- 6.8 For example, a landlord may decide not to offer an otherwise suitable property to a prospective tenant who has a minority ethnic background because he knows that there have been serious cases of racial harassment of minority ethnic groups in the area recently. The landlord may well argue that he did not offer the property out of consideration for the prospective tenant's safety or to save the landlord's property from the risk of damage (see previous example).
- 6.9 Whatever justification the landlord may offer, the prospective tenant would be treated less favourably than someone who is not a member of a minority ethnic group if the latter would have been offered the property.
- 6.10 In order to avoid discrimination, the landlord should allow the prospective tenant to have the chance to consider the property but should also tell him or her about the possible risk of harassment based on the fact that there have been cases in the area in the recent past. This would allow him or her to make an informed choice about whether to accept it. This issue is considered more fully in the next section.

6.11 Landlords should issue such advice or information to all applicants. Landlords should ensure that all advice and information is based on sound and robust intelligence and should avoid relying on 'hear say'. A landlord who does advise only minority ethnic people to the dangers within a particular area / development / scheme etc. may be accused of 'putting them off' and so needs to be able to justify the provision of such advice.

## **Informing potential tenants & purchasers in areas with a history of racial harassment**

6.12 It is recommended that organisations involved in selling or letting housing or accommodation have clear procedures on what to do when approached by someone seeking accommodation and who may be at risk of racial harassment. For example, a person from a minority ethnic background who is asking about accommodation in an area where there have recently been racial attacks.

Organisations may provide the person with the necessary information to enable him or her to make an informed decision about whether to pursue accommodation in that area. The person's attention should be drawn to:

- the fact that there have been incidents of racial harassment;
- what the organisation does under its procedures for tackling racial harassment; and
- details of other sources of help, where relevant, including specific racial harassment projects, victim support schemes, local police contact details and other community support initiatives.

6.13 All housing and accommodation providers who become aware that there are problems with racial attitudes in a particular area should take resolute action to deal with the problem. For larger social housing organisations, simply alerting ethnic minority communities to the threat will not, in itself, be a sufficient response.

## Setting quotas or targets

### Quotas

- 6.14 The implementation of quota systems is directly discriminatory in the provision of housing and accommodation.
- 6.15 It is unlawful to set quotas for the letting of accommodation, unless this is pursuant to meeting the specific needs of racial groups (see Chapter 2 – Explaining the Law and Chapter 5 – Providing New Accommodation). Particular care must be taken if it is decided to set targets on the number or proportion of people who can be from a particular social group when selling or letting accommodation in an area.

#### **Example 29 – Quota setting – direct discrimination**

A housing organisation sets a policy for one of its housing developments that no more than 10% of tenants should be from an Irish Traveller background.

The implementation of this policy would be directly discriminatory at the point where the 10% quota had been filled by Irish Travellers and a further Traveller household, which had the necessary qualifications to live in such accommodation and was seeking to live there.

When the housing organisation refused to offer the family an available property, or made that family wait until one of the existing Irish Traveller families moved out, the housing organisation would be discriminating directly.

- 6.16 If the Commission was alerted of the existence of a quota system by a housing organisation, that maybe discriminatory, the Commission might take action to issue a **'non-discrimination notice'** to ensure that no discrimination takes place or to insist that the policy is amended to remove the discriminatory element.

**Article 55**

- 6.17 The Commission may also instigate a County Court action seeking an injunction under the Order, or seek an undertaking to stop the act or for the housing organisation to amend such policies.
- 6.18 Quota systems can also discriminate indirectly. If landlords seek to achieve a balance of households of different kinds in an area they may discriminate indirectly.

**Example 30 – Quota setting – indirect discrimination**

A large housing organisation implemented a quota system for the occupancy of their housing stock. No more than 20 per cent of the organisation’s housing stock would be occupied by tenants who could not prove that the lead applicant was in full-time employment.

Karim, a member of the Pakistani community, applied for accommodation with the housing organisation, but was refused as he was not in full-time employment. The housing organisation’s occupancy rate for tenants not in full-time employment had already reached 20 per cent.

Karim decided to challenge this decision. He lodged a complaint with the county court. In the examination of evidence, it was shown that people from Karim’s national origin were put at a disadvantage as they are less likely to be in employment.

It would have been open to the court to decide that indirect discrimination took place, but the housing organisation could mount a defence that the quota system was a ‘proportionate means of achieving a legitimate aim’ (see Chapter 2 – Explaining the Law).

## Targets

- 6.19 Targets, on the other hand, are lawful as long as they do not lead to direct or indirect discrimination. They should be regarded simply as goals to achieve. They alert a housing provider to the need to redress imbalance or draw attention to an issue which creates a barrier to achieving representation or attaining equality of opportunity in provision. In such cases, a provider may wish to take some form of positive action in order to redress the balance. Please refer to “Exceptions to the prohibition on racial discrimination” in Chapter 2 – Explaining the Law and “Providing accommodation for specific racial groups” in Chapter 5 – Providing New Accommodation.

## Avoiding segregation

- 6.20 Segregating people according to their racial group is unlawful, even if they have access to the same or similar quality of housing, accommodation and services.
- 6.21 However, people of the same minority ethnic group may choose to live or congregate together in the same area as they feel safer that way or because, by living in close proximity, it allows them to provide mutual support. This would be their choice and not imposed upon them by a housing provider. To understand the differences between segregation and congregation please refer to the section ‘Segregation’ in Chapter 2 – Explaining the Law.
- 6.22 The provision of schemes that are targeted at meeting the specific needs of particular racial groups (see Chapter 2 – Explaining the Law and Chapter 5 – Providing New Accommodation) do not constitute examples of segregation.
- 6.23 Segregation may arise if organisations make unjustifiable assumptions about people’s preferences. This may include not telling people of a particular racial group about accommodation in a particular area because of some untested belief that they would not like to live there, perhaps because there are few people with similar backgrounds in

Article 3 (2)

that area. This may result in concentration of particular groups in particular areas, which amounts to segregation that denies free choice.

- 6.24 Segregation can also occur within a single accommodation facility such as a hostel, where different racial groups are required to use different facilities.

**Example 31 – Segregation in a single accommodation facility**

In a hostel for migrant workers, there have been disputes between European and Asian workers.

The manager of the hostel issues a new policy whereby the Asian and European workers must use separate kitchen facilities; on the 1<sup>st</sup> and 2nd floors respectively.

Although the segregation of workers was initiated to relieve tensions between workers of different racial origins, and primarily implemented on the best of intentions, the policy is based on grounds of racial origin and amounts to direct racial discrimination.

## **Using discretion**

- 6.25 Access to housing and accommodation should be governed by written policies and procedures. Where possible, individual discretion by landlords, and their staff, should be avoided. However, policies and procedures should be capable of being flexible to meet the specific, maybe unforeseen, needs of minority ethnic groups.

- 6.26 Where decisions need to be made about 'special cases', landlords should make sure that the grounds for the use of discretion are clearly documented. Members of staff who make discretionary decisions will need to be suitably trained. Appeal mechanisms should be built in to all policies and procedures.

### **Example 32 - Direct discrimination in the letting of rented accommodation - I**

A letting agent always describes to the landlord the racial group of people who have expressed an interest in a dwelling that is available for letting, but only where the people are from a minority ethnic group.

Please note, it would not matter even if the letting agent gave the landlord the background information for everyone who expressed an interest in the dwelling, as this practice gives the perception that the information was misused against those of different racial groups.

This practice may constitute direct discrimination because it is exposing the minority ethnic applicants to the possibility of discrimination by the landlord when deciding to which applicant the dwelling is to be offered. The racial group of the potential tenant is irrelevant and should not be disclosed.

### **Example 33 - Direct discrimination in the letting of rented accommodation - II**

Peter, a migrant worker from eastern Europe, applied for accommodation at one of Stephen's properties. Stephen was a large landlord in the north of Belfast.

As Peter was not from one of the majority communities in Northern Ireland, Stephen asked Peter for written proof of identity. Stephen did not ask people who appeared to belong to one of the majority communities to prove their identity.

Peter believing that this policy applied to all new tenants gave written proof. However, after moving into his new accommodation and after talking to some of Stephen's other tenants, who were from one of the majority communities, it became apparent that migrant workers were being treated differently on racial grounds.

Peter could have made a complaint of direct racial discrimination.

## Specific housing sector issues

### Selling or letting private housing

- 6.27 In the private sector, it makes better commercial sense if access to information on housing and accommodation is accurate, widely available and accessible to all.
- 6.28 Improved access to information on private housing and accommodation is typically done by advertising through a variety of media, including:
- newspapers;
  - the Internet;
  - through 'shop front' premises of estate or lettings agents; and
  - advertisement cards in shop windows.
- 6.29 If a private housing organisation provides accurate, widely available and accessible information, this may help them avoid any claims of unlawful discrimination.

#### **Example 34 - Indirect discrimination in the letting of accommodation and in the provision of mortgages - I**

Marcus, a landlord in a large market town, routinely relied on word of mouth to spread news about dwellings that were available for letting.

The practice could constitute indirect discrimination if the people in the local area, or those who Marcus asked, were mainly from one racial group, as people from other racial groups were not likely to hear about the available properties. This denial of an opportunity to some racial groups would be more severe in situations where there was an acute housing shortage.

As Marcus was a very small private landlord it may have been possible for him to justify the arrangement on the grounds that advertisements would be too expensive, bearing in mind the resources available to the landlord. However, larger organisations would find it more difficult to justify the practice.

### **Example 35 - Indirect discrimination in the letting of accommodation and in the provision of mortgages - II**

A mortgage lender only lends to people who have lived in the United Kingdom for a certain number of years. This means that people such as migrant workers who have come to this country only recently, are less likely to obtain a mortgage than people who have lived in the United Kingdom for a longer period.

The lender would have to demonstrate that the requirement was a 'proportionate means of achieving a legitimate aim'. For example, by producing hard evidence about relative risk.

#### **'Blanket' exclusions**

- 6.30 Exclusions may have a discriminatory effect that may be hard to justify.
- 6.31 Exclusions may relate to both people and properties.
- 6.32 All housing organisations should be careful about general exclusions concerning access to accommodation or accommodation services; that is, exclusions that apply to whole categories of people or properties, regardless of particular circumstances.
- 6.33 For example, private landlords sometimes advertise accommodation for letting using the words 'no DSS', meaning only people who are in work or have independent means will be considered.
- 6.34 In some areas, unemployment is higher among some racial groups than others and therefore some groups are put at a disadvantage by this requirement.

- 6.35 If the dwelling concerned had a rent that was higher than the level on which Housing Benefit would be paid, the landlord may have a good justification for the requirement because he or she could argue that a tenant who relied on Housing Benefit would not be able to afford it.
- 6.36 If the rent were within Housing Benefit levels, however, an adequate justification would be more difficult to advance. The landlord might argue that the practice results from past experience of delays in the processing of benefit claims and that he could not afford to wait for the payment. To some degree, the speed of the process is dependent on action the tenant must take (filling in forms and providing proof of identity and income etc.) and this is likely to be more difficult for those householders for whom English is not the first language. If this were the case, the landlord could then consider what could be done to provide assistance or chase progress. The landlord could also investigate whether an interim payment could be obtained in advance of the claim being processed fully. The landlord's failure to consider such additional support (which arises from a policy not to provide a service other than in English) may itself lead to a complaint of indirect discrimination. The landlord would then have to demonstrate that the requirement was a 'proportionate means of achieving a legitimate aim'.
- 6.37 The responsibility to provide support (that of providing information in other languages) would be greater on larger and better resourced organisations rather than with a landlord having only a few properties to rent.

### **Example 36 – Blanket exclusions - I**

A mortgage lender routinely refuses to grant mortgages on certain houses because they are located in a particular area (this practice is sometimes called 'red lining').

This policy or practice could be indirectly discriminatory if people of a particular racial origin are disadvantaged because they can show that they are over-represented amongst those seeking mortgages to buy houses in that area.

The building society would have to show that the practice was a reasonable one in fulfilling a legitimate aim. It would, however, find it easier to avoid discrimination if it made case-by-case decisions about whether to lend, rather than 'red line' whole areas.

### **Example 37 - Blanket exclusions - II**

A lender stipulates that, for properties built before 1919, it would not grant a mortgage for more than 80% of the value. Higher advances are made for houses built after that year.

Unless the lender could provide a reasonable justification for the policy, it would be indirectly discriminatory if people in a particular racial group were to be over-represented amongst those seeking mortgages for houses of this age, which could happen if members of minority ethnic groups live in certain geographical areas which consist of older properties.

### **Example 38 – Blanket exclusions – III**

A landlord specifies that a four bedroom house is only available to single households. This practice may indirectly discriminate against migrant workers who often use these properties.

On the other hand, if a landlord says that a property is only available as a 'shared household', for example, for a group of young people, could be indirectly discriminatory against larger families, which could have a greater impact upon certain racial groups who require larger housing units.

#### **Asking for rent guarantees**

- 6.38 Care should be taken over the seeking of rent guarantors. In the private rented sector, many landlords ask people who approach them for accommodation to provide details of someone who can guarantee the rent in the event of non-payment. Insisting that prospective tenants provide the name of a guarantor who is a close relative and who lives in the United Kingdom could be indirectly discriminatory. This is because, compared with United Kingdom nationals, fewer people who originate from outside the United Kingdom would be able to comply with this requirement. The landlord would have to justify the requirement in order to avoid an allegation of indirect discrimination.
- 6.39 The requirement can have very serious implications for newcomers to Northern Ireland since they are likely to be heavily reliant on private rented accommodation in the short-term.
- 6.40 Landlords and letting agencies that ask for guarantors should give careful thought to the way the requirement operates, including considering alternatives to a guarantee.

- 6.41 Where landlords and letting agencies decide that they need such rent guarantees, they should carefully consider whether the guarantor has to be related to the prospective tenant. A guarantor could be a friend of a prospective tenant or possibly an employer, or, in the case of a student, a college or university.
- 6.42 Landlords should consider accepting a rent deposit guarantee under a scheme provided by some voluntary organisations as sufficient security, unless it is unreasonable to do so.
- 6.43 Another alternative would be for landlords to consider taking out insurance for rent loss and initiating legal proceedings against defaulting tenants.
- 6.44 Landlords and vendors should be aware that some groups of tenants or prospective purchasers may require more time to make the necessary financial arrangements.

#### **Example 39 – Rent guarantees and financial arrangements**

A Pakistani family who wants to buy a property may require an Islamic mortgage - one which conforms to Sharia'a law. Islamic law forbids the payment and receipt of interest so some building societies offer Sharia'a compliant mortgages which depend on the principle of murabaha (partnership) or ijara (leasing).

Therefore, it may take longer for the family to source a building society which offers this type of finance.

If the vender placed an unreasonably short time period for the arrangement of finance, it could be argued that the Pakistani family were being indirectly discriminated against on grounds of thier national origin, as most Pakistani nationals are Muslim and therefore may require a Sharia'a complaint mortgage.

## **Providing housing with employment**

- 6.45 Accommodation and employment are sometimes tied together; employees may be required to live in accommodation provided by their employer so they can best perform their duties.
- 6.46 In some areas, the employers of migrant workers, who often work in agriculture and food processing industries, provide their workers with living accommodation. These arrangements may suit both parties and may particularly benefit the workers when they first take up employment because it avoids the need for them to find accommodation in an environment in which they are unfamiliar.
- 6.47 However, the workers may, after a time, prefer to live independently. Difficulties would arise if, against the wishes of the workers, the employer insisted on their continuing to live in tied accommodation. It would be particularly difficult to justify having arrangements for migrant workers that were different from those applying to other workers employed in the same circumstances. Indeed, if the employer treated migrant workers differently from workers who originated from Northern Ireland through insistence only on the former living in tied accommodation, this would constitute discrimination in the field of employment.
- 6.48 Employers who provide accommodation with employment for migrant workers therefore need to consider carefully their practices in this area.

**Article 5 (1)**

6.49 Employers should also pay heed to the legal requirements associated with such provision, for example:

- adhering to the rules relating to housing in multiple occupation;
- health and safety provisions (including means of escape in the event of a fire);
- proper tenancy agreements;

and have proper policies and procedures in place to deal with all aspects of housing management including rent arrears, eviction and complaints as well as adequate mechanisms for liaison and consultation.

6.50 It is recommended that such employer / landlords ensure that tenants understand these policies and consider translating these if necessary.

## **Letting social housing**

### **Avoiding discrimination in lettings schemes**

6.51 Most social housing, whether owned or managed by a statutory housing provider or registered housing association, is let in accordance with a selection scheme. At the time of publication, the Executive operated the “Common Housing Selection Scheme”, which came into effect on 1<sup>st</sup> November 2000.

6.52 It may be necessary to change a selection scheme from time to time and, in some circumstances, social housing landlords may wish to introduce changes to a scheme for particular areas, subject to the approval of the relevant Government department.

- 6.53 Social landlords who are contemplating the introduction of such changes should check that they do not contain elements that may be discriminatory. In addition, organisations designated as public authorities under Section 75 of the Northern Ireland Act 1998 should ensure that their lettings policies are subjected to equality impact assessment (often known as EQIAs) since letting policies have obvious equality implications (see Chapter 4 – Promoting Good Practice in Housing Policy & Strategy).
- 6.54 It is recommended that any proposed changes to social housing allocation schemes are carefully modelled to remove discriminatory consequences or adverse impacts on different racial groups. For example, changing to the weighting ascribed to different selection criteria. All schemes should be monitored to identify differential outcomes which may result from an inherent weakness in the scheme.

**Example 40 – Avoiding discrimination in letting schemes**

A letting policy condition which restricts eligibility for accommodation in a particular area to those who currently live there could be indirectly discriminatory. If people of a particular racial group living outside that area, but who were in need of the accommodation in question, showed that they were disadvantaged, they could argue that they were indirectly discriminated against.

In such circumstances, they may be able to show that people of a particular group make up a lower proportion of the population of the area they sought to live in compared with the proportion in Northern Ireland as a whole, or the proportion in the catchment area from which the organisation normally draws its tenants. The landlord would have to put forward a justification for the requirement.

- 6.55 Similar issues may arise if a social housing landlord decided to give priority in the letting of housing and accommodation in a particular area to those who already have family members living there. Such a requirement may be indirectly discriminatory because members of a particular racial group who are in need of that accommodation may be less likely than others to have family members already living locally. Although it could be argued that ensuring community cohesion through the adoption of a local connection priority scheme is a legitimate aim and that the award of priority to those with a local connection is proportionate to that aim, unless alternative non-discriminatory methods (such as awarding similar points to those who have no local connection with any area in Northern Ireland) were considered, the scheme may face difficulties if challenged as indirectly discriminatory.
- 6.56 The application of criteria which make use of local or family connections, including the use of catchment areas, as a criterion of housing eligibility can amount to indirect discrimination and could be challenged.
- 6.57 Careful thought should be given to the way that the needs of different categories of people, for example homeless people and tenants seeking a transfer, are balanced. If particular racial groups are over-represented in particular categories and under-represented in others, indirect discrimination may occur. This may occur where the various categories are given different priorities, or are restricted in the type of accommodation they may receive. A landlord would have to be able to objectively justify any difference.

### **Example 41 - Indirect discrimination in the letting of social housing - I**

Stroke City Housing Association often operated an unwritten policy of letting poorer quality accommodation to homeless applicants than to tenants who wished to transfer from one accommodation to another.

The statutory organisation responsible for social housing, through its ethnic monitoring, identified that there may be an unwritten policy or practice operated by Stroke City Housing Association in its allocation of accommodation to new applicants.

When this unwritten policy or practice was in operation, minority ethnic applicants were over-represented amongst homeless applicants. This practice would be indirectly discriminatory unless the landlord could objectively justify the setting of its priorities in the way that it had.

Stroke City Housing Association could face legal proceedings made by an individual under the Order.

If the organisation is designated under Section 75 of the Northern Ireland Act 1998, or if it receives assistance from a statutory organisation, for example, the Executive, the policy or practice could breach Section 75 statutory duties and lead to a complaint to the Equality Commission. For further details on Section 75 of the Northern Ireland Act 1998 please contact the Commission.

### **Example 42 - Indirect discrimination in the letting of social housing - II**

East of the Bann Housing Association, another social housing landlord, operated a policy or practice of giving priority to sons and daughters of existing tenants in the letting of its housing.

Where the existing tenants are predominately from one racial group, this practice could be indirectly discriminatory.

East of the Bann Housing Association would have to demonstrate that there was a legitimate aim underlying the policy or practice and that the means it had adopted were reasonable. Again, if the organisation is designated under Section 75 of the Northern Ireland Act 1998 it may be in breach of its statutory duties. Please seek guidance from the Commission regarding public sector organisation duties under Section 75 of the Northern Ireland Act 1998.

### **Assessing the needs of people from outside Northern Ireland**

- 6.58 Where landlords receive applications for accommodation from people from outside Northern Ireland, they should be particularly careful to assess them fairly, consistently and in a way that preserves confidential information.
- 6.59 Social housing providers should not make stereotypical assumption that all people from outside Northern Ireland are ineligible for help. However, some groups of people with limited leave to be in the United Kingdom due to their immigration status may not be eligible for public housing and / or the receipt of Housing Benefit.
- 6.60 Social housing landlords should have clear procedures in place in order to ensure that applicants from outside Northern Ireland are not singled out for particular kinds of treatment on the basis of their racial group. This is due to the greater probability that applicants from outside Northern Ireland are more likely to belong to minority ethnic communities and / or be non-Irish / British citizens.

- 6.61 It is therefore recommended that social housing landlords try to ensure that procedures such as checking the immigration status of housing applicants are necessary and not based on any racial profiling. This may help to ensure that members of minority ethnic communities who qualify for accommodation:
- are not denied housing;
  - do not experience unreasonably long delays while their applications are being considered; or
  - have to satisfy additional tests which cannot be justified.
- 6.62 Social housing landlords should actively monitor the impacts of policies and procedures in order to identify any possible discrimination and take action to redress this where it is identified. Please refer to Chapter 4 – Promoting Good Practice in Housing Policy & Strategy.
- 6.63 Social housing landlords should make sure that staff who are required to screen the immigration status of housing applicants are given training in the legislation and regulations as they relate to people from outside Northern Ireland. The staff should be conversant with the landlord's duties and responsibilities under the Order and should know how to deal with applicants in a sensitive manner. All such staff should be provided with racial equality training (see Chapter 4 – Promoting Good Practice in Housing Policy & Strategy).

#### **Providing support to people who move**

- 6.64 People from minority ethnic communities moving into housing, including Irish Travellers moving into settled or Irish Traveller-specific accommodation, may need additional help from landlords; such as visits to make sure they are settling in well. It is important that this is done in a sensitive way, respecting the tenant's right to privacy and taking into account any linguistic and cultural requirements.
- 6.65 When Irish Traveller families move into group housing schemes or settled accommodation, it is recommended that

pre-tenancy advice and assistance be offered in order to assist their transition into the built environment.

### Letting pitches on Irish Traveller sites

6.66 It has been common practice for Irish Traveller site management organisations, when making decisions about the letting of pitches, to make judgments about the compatibility of the various Irish Traveller families occupying, or seeking to occupy, particular sites. Similar practices exist for the letting of dwellings in Irish Traveller grouped housing schemes. This is sometime described as ‘taking into account the cultural issue of compatibility between Irish Traveller families’. It is justified on the grounds that, where lettings are made to two or more families that are incompatible, serious disputes may arise and these may lead to injury to persons or damage to property.

6.67 This practice raises a number of issues:

- **Stereotyping:** There are dangers of stereotyping if it is assumed that the disputes which exist between particular Irish Traveller families apply to all Irish Travellers alike. There are also dangers if it is assumed that incompatibility is a fixed part of the culture, which cannot be changed.
- **Choice:** If there were a range of accommodation options for Irish Travellers in all areas where they were seeking to live, they would be able to exercise choice about which families they lived alongside and there would not be such a need for site managers to operate a compatibility test.
- **Equality of treatment:** Where an organisation applies a test of compatibility only to the letting of pitches on Irish Traveller sites and not to the letting of other sorts of accommodation, a Irish Traveller who was denied access to a site because he was considered incompatible with Irish Travellers already on the site may be able to claim that he has been discriminated against because only Irish Travellers

face the test. An Irish Traveller who is denied access would face particular problems if there were only one site in the locality and he or she had to travel a long distance before finding a site where he or she was accepted.

6.68 The issue cannot easily be resolved in the short term. It requires a strategy that:

- Seeks to build better relationships within the Irish Traveller community, where problems exist.
- Provides a greater choice of accommodation options for Irish Travellers. This should include the provision of additional sites and, where shortages exist, consideration should be given to the fact that greater choice could be offered if two smaller sites rather than one larger one, were to be provided.

### **Good Practice 3 - Facilitating better relationships**

The **Northern Ireland Housing Executive**, working together with Irish Traveller support groups, the **Police Service of Northern Ireland (PSNI)** and other agencies have developed protocols for incorporating compatibility tests into the assessment of needs. They are also working, where necessary, towards reducing hostility and disputes between Irish Travellers living on its sites and have appointed Traveller Liaison Officers to mediate where problems exist.

## **7 Managing Accommodation**

- 7.1 It is unlawful to discriminate or subject someone to harassment on racial grounds in the management of accommodation. Under Section 75 of the Northern Ireland Act 1998, designated public authorities, including the Executive and registered housing associations have responsibilities to manage accommodation in a way that has due regard for the promotion of equality of opportunity and regard to the desirability of promoting good race relations.
- 7.2 Landlords need to be particularly sensitive to the way their accommodation is managed in order that those from minority ethnic communities can enjoy equality of opportunity in an environment free from harassment.

### **Understanding rights & responsibilities**

- 7.3 Tenancy agreements should be accessible, and understandable, to all the tenants / residents of housing and accommodation organisations.
- 7.4 Housing and accommodation organisations should take particular care to make sure that people unfamiliar with housing law in Northern Ireland, or whose first language is not English, understand the nature of agreements they are entering into and their rights and responsibilities. People from minority ethnic groups whose first language is not English may need a longer period before they are asked to sign a legal document in order that they may digest its contents or to seek independent advice. It may then be useful to translate a summary of the tenancy agreement and / or provide an interpreter to explain its contents.
- 7.5 Housing and accommodation organisations should also be aware that people from minority ethnic groups may be more or less proficient in spoken or written English, and they should not assume that, because someone speaks English well, they necessarily understand written English.

- 7.6 Tenancy agreements should include anti-harassment clauses.
- 7.7 The attention of all of those who are signing up for a tenancy should be drawn to the anti-harassment clause in the tenancy agreement and to the sanctions that may be used against perpetrators and the help given to victims (see Chapter 8 – Creating Safe & Inclusive Neighbourhoods).
- 7.8 Anti-harassment clauses should specifically cover racial harassment and also alert tenants to fact that, where racial harassment is suspected, the matter may be referred to the Police Service of Northern Ireland (PSNI) for investigation into any breach of criminal law.

**Example 43 - Direct discrimination concerning written tenancy agreements**

Carmen, a private landlord, did not provide written tenancy agreements to her migrant worker tenants but did provide written agreements for her other tenants.

As Carman provided less favourable treatment to migrant workers, she may have faced legal proceedings if a tenant decided to challenge this practice.

Carmen may have a defence if she adopted robust, objective and systematic policies, practice and procedures, which have been equality proofed to remove direct and indirect discrimination on the grounds of race, and other areas. These should have included policies and procedures on racial harassment. Furthermore, if Carmen had communicated these policies, practices and procedures to all tenants, and prospective tenants, she may have avoided any legal challenges.

## Setting & collecting rents

- 7.9 Landlords should avoid racial discrimination in rent setting and rent collection practices, including arrears recovery.
- 7.10 Landlords should not assume that all their tenants have the same amount of knowledge about their rights and responsibilities. Tenants from a minority ethnic background, particularly those who have recently arrived in Northern Ireland, may not be familiar with all available rent payment options. They may not be aware of the rights to benefits, including Housing Benefit. Therefore, landlords are recommended to take the time both at the start of the tenancy, and as the tenancy progresses, to explain these matters and give tenants any necessary help. Where the landlord has to take action to recover arrears, the landlord should endeavour to ensure that tenants fully understand what is happening and what he or she should do to avoid eviction or other sanctions. Landlords may wish to consider directing tenants to sources of help such as advice centres or other voluntary organisations which can provide support.

### **Example 44 - Direct discrimination in rent setting & collection**

Oswald, a private landlord in a small market town, believed that Portuguese tenants represented a high risk to his property. As a result of his belief, Oswald routinely asked for more rent to be paid in advance, as a deposit, at the start of a tenancy than he did from non-Portuguese tenants.

Oswald may face a claim of direct racial discrimination from a member of the Portuguese community.

# **Maintaining & improving the housing stock**

## **Allocation of housing & accommodation**

- 7.11 It is recommended that landlords try to ensure that the standard of accommodation occupied by members of minority ethnic groups (including Irish Travellers and migrant workers) is equal to that of other tenants. Failure to do so could amount to discrimination. Landlords should avoid the temptation to offer inferior accommodation to people who are new to Northern Ireland and / or whose options may be limited.

## **Repairs & maintenance**

- 7.12 People from minority ethnic communities may suffer disadvantage in repair and maintenance services because they may be less aware (for various reasons, including linguistic ones) than people in the majority communities of Northern Ireland about their housing rights and / or the landlords' obligations regarding the upkeep of the property. Therefore, they may not report repairs that need to be done. Where the tenant does report repairs, communication difficulties may arise and result in the landlord not recording properly what repair needs to be done. In addition, tenants may not fully understand the landlord's communications, for example about repairs programmes or appointment times.
- 7.13 Landlords should take care when communicating important pieces of information about repairs, particularly if there are adverse consequences for the tenant if he or she does not respond in the way required. This may include, for example, a cancelled repair order. The use of information sheets with explanatory diagrams of elements and fittings may help tenants to indicate what repair needs to be done. Landlords could also provide a sheet of translations of key words to assist in the recording of requests for repairs.
- 7.14 If a landlord places any repairing obligations on tenants, this should be specifically brought to the attention of all tenants to avoid possible confusion.

## **Cultural sensitivity**

- 7.15 Where women are present in the accommodation without male adult household members present, they may, in some cultures, be reluctant to admit male repair inspectors or operatives into the house. Consequently, repairs may be delayed or the orders cancelled altogether.
- 7.16 Training programmes for repair inspectors and operatives, including contactors, should include information on the particular sensitivities that exist in some cultures about women coming into contact with male strangers. Where difficulties are encountered, landlords should ensure that alternative arrangements are made in such circumstances, either by ensuring that repairs are carried out when the tenants are out, or by providing for female staff to be present. Female tenants should not be disadvantaged in such circumstances.

## **Investment decisions**

- 7.17 Investment decisions can sometimes be controversial. For example, the decision to improve the housing in one area or estate before another can cause resentment with some people feeling they have been overlooked whilst others have been given unfair advantage. Where the racial profile of the area being given priority differs from that of other areas, resentment can raise racial tensions including allegations of favouritism. Unchecked, this can lead to a breakdown in good race relations and can engender a climate of distrust where myths based on racial stereotypes can spread.
- 7.18 It is important for organisations to have a proactive approach to public relations, communicating a clear rationale for their investment programmes which can be shown to be based on evidence of need and which use transparent criteria for decisions about priorities.

### **Example 45 - Indirect discrimination in maintenance services - I**

If a landlord took longer to remove racially offensive graffiti from its dwellings than it normally took to deal with similar kinds of repairs or other forms of graffiti (such as sectarian), the tenants concerned could successfully argue that this practice is indirectly discriminatory.

It may also constitute a form of harassment, where a landlord allows a tenant to live with racist graffiti close to their property for an unreasonable period. What amounts to an 'unreasonable period', given the nature of the graffiti, may be quite short.

### **Example 46 - Indirect discrimination in maintenance services - II**

A social housing landlord has a budget to pay to new tenants an allowance to help them decorate their homes. However, the landlord does not routinely tell new tenants about the existence of these allowances and only makes them available if tenants ask about them. This could be indirectly discriminatory against tenants from minority ethnic communities who may be less knowledgeable in enquiring about such matters, or who may not be sufficiently fluent in English to make such enquiries.

## Enforcing standards in privately rented housing

7.19 Minority ethnic groups often rely disproportionately on the privately-rented sector. For example, minority ethnic groups:

- may not be able to afford owner-occupied housing;
- may not qualify for social housing; or
- may be newly arrived in Northern Ireland and seek property in the private sector in the short term.

7.20 The Executive and district councils have responsibilities for ensuring that appropriate standards are maintained in the privately-rented sector. They should be particularly mindful that some people from minority ethnic groups might be vulnerable to exploitation through their lack of choice in the housing market. Such people may also be unaware of the help that is available and they may also have difficulties in communicating in English. Those who have recently arrived in Northern Ireland, for example migrant workers, asylum seekers and refugees, are likely to be in particular need of protection.

7.21 The Executive and district councils should take particular steps to ensure that people from minority ethnic communities are aware of the assistance which can be given to people living in poor conditions. This includes any action which can be taken to:

- deal with statutory nuisances;
- raise standards of management; and
- and reduce overcrowding

in houses in multiple occupation.

7.22 Some elements of these enforcement services are reactive in the sense that action follows a complaint. Other aspects are more proactive. Where there are concentrations of minority ethnic groups who may experience particular difficulties, for example in areas where there are significant numbers of migrant workers, the Executive and district

councils should take a particularly proactive approach to the enforcement of standards, including undertaking a programme of inspections. This should include giving priority to the inspection of houses in multiple occupation.

- 7.23 Sometimes, tenants who make a complaint to an official agency about the conditions in which they live suffer some kind of reprisal from their landlords (who may also be their employers). A proactive inspection regime should reduce the likelihood of this happening. Where occupants raise the question of racial discrimination, landlords should be made aware of the duty not to victimise individuals (see Chapter 2 – Explaining the Law). If inspection or enforcement officials are aware of the possibility of victimisation or other breaches of the Order, they should be equipped with knowledge of the Order and should proactively refer occupants to the relevant support services.

## **Tackling anti-social behaviour & dealing with disputes**

- 7.24 Some organisations now have access to very powerful sanctions, such as Anti-social Behaviour Orders (ASBOs). The use of ASBOs needs to be carefully managed and monitored in order to avoid racial discrimination and harassment. Organisations with powers to take action under the ASBO legislation should develop:

- clear policies and procedures;
- appeal mechanisms; and
- monitor the implementation of ASBOs

so that any potential race discrimination and harassment may be avoided.

- 7.25 Some people make false allegations against other racial groups as a way of harassing them. Where complainants and alleged perpetrators of anti-social behaviour are of different ethnic origins, organisations should take particular care to investigate whether complaints could have a racial motivation.
- 7.26 Lack of understanding of the cultures of different communities may also underlie conflicts between people. Large family gatherings may be an integral part of the culture of some communities and they can give rise to complaints from neighbours.
- 7.27 Where landlords are asked to become involved in such difficulties, they should:
- deal with the issue in as sensitive a way as possible;
  - be careful not to apportion blame to the particular activities of minority cultures when there is clear evidence of a breach of the tenancy conditions;
  - consider mediation in some situations;
  - monitor complaints; and
  - analyse and identify any patterns especially frivolous ones relating to the day-to-day activities of members of minority ethnic groups when they are following cultural patterns.
- 7.28 Landlords are advised to take time at the start of the tenancy to explain to all tenants their rights and responsibilities; and where facilities are to be shared how those facilities are to be used.

7.29 Nuisance, bullying and harassment is sometimes aimed at staff working in housing organisations. Those managing the organisations should be concerned to maintain a safe environment for their employees. In some cases, violent or abusive people are banned from attending an organisation's office and are told that, if they wish to communicate, it must be via the telephone or by letter. Organisations should make sure that bans:

- can be justified;
- only apply to particular individuals; and
- are not used to bar whole families or communities from exercising their right to communicate.

7.30 Landlords should be aware that within some minority ethnic communities, including the Irish Traveller community, there are often people with similar names. Where disputes occur clarity regarding the identities of the various parties should always be sought.

7.31 Independent mediators can be called in to help resolve many tenants' disputes. This is a useful way of resolving problems informally. However, in more serious situations, for example, where racial discrimination is alleged, mediation may be inappropriate. Details about sources of help for mediation between Irish Travellers and the settled community can be obtained from the Irish Traveller organisations listed in Chapter 11 – Further Information, Advice & Support.

## **Involving service users**

7.32 In recent years, there has been a considerable emphasis placed on user involvement in the way services are provided in the social housing sector. In the private rented sector, residents' associations have been set up in order to communicate with landlords or to represent the interests of residents of a particular area. Good social landlords regularly provide opportunities for tenants and other service users to be involved, if they wish. Public authorities will consult with stakeholders about their policies as part of the

equality impact assessments which they undertake as part of their statutory duties under Section 75 of the Northern Ireland Act 1998. Opportunities range from feedback mechanisms which allow users to give their views about the services they receive, through to full participation in the management of services. Housing providers should ensure that such residents' associations address the participation of minority ethnic groups as a prerequisite to formalised agreements. Where tenant / residents' associations undertake functions related to the management of premises, such as setting repair or upgrade priorities, they should adopt the principles, cited below, and ensure that they comply with the provisions of the Order.

- 7.33 Minority ethnic communities can sometimes be excluded from involvement programmes. Communication difficulties may be a contributory factor or participation structures may be inappropriate, or the minority communities may face, or fear, discrimination or harassment from other service users. Participation is one of the six key aims of the Government's racial equality strategy for Northern Ireland, 2005 to 2010.
- 7.34 Social housing landlords should take steps to make sure that their minority ethnic service users have the same level of opportunity for involvement as their other service users. Inclusive tenant participation strategies should involve:
- a publicly stated commitment to ensure that all racial groups enjoy equal opportunities to participate;
  - work to identify the ethnic composition and needs of people using the landlord's services, so that necessary arrangements, such as translation and interpreting services, can be made;
  - conducting meetings in a way that encourages everyone to participate; and
  - avoiding meetings or other events during major religious and cultural festivals that are likely to be celebrated by service users.

- 7.35 The existence of effective equal opportunities policies and practices and a commitment to anti-discrimination training for community leaders should be prerequisites for any recognition and funding of tenants' and residents' associations by social housing landlords. Please refer to Chapter 4 – Promoting Good Practice in Housing Policy & Strategy.

## **Protecting tenants from landlord harassment & illegal eviction**

- 7.36 District councils have specific statutory responsibilities to advise tenants and landlords about their respective rights regarding security of tenure, eviction and the issuing of rent books and, where necessary, to prosecute landlords who break the law.
- 7.37 Tenants from minority ethnic backgrounds are likely to be less familiar than others about both their rights as tenants and about the existence of the councils' protection services. District councils should therefore consider the need for local publicity campaigns to promote better awareness amongst both landlords and tenants of tenancy rights and of the services that are available.
- 7.38 With an increase in the number of migrant workers coming to Northern Ireland and the resultant over-reliance on the private rented sector (including houses in multiple occupation and tied accommodation) district councils should develop a proactive approach to protecting the interests of such tenants.

## **Ensuring comparability of rights for Irish Travellers**

- 7.39 Although there are some obvious differences between accommodation provided on Irish Traveller sites and in settled housing, it is important that these differences are not unnecessarily exaggerated. Any difference, if it does arise,

needs to satisfy the non-discrimination tests especially those around direct and indirect discrimination.

7.40 The Executive has responsibility both for managing a large element of social rented housing and for managing official Irish Traveller and group housing schemes. It is therefore in a position (through this and its public sector statutory duty under Section 75 of the Northern Ireland Act 1998) to ensure that the rights within the two sectors are consistent and that Irish Travellers in its schemes have a similar set of rights to those of tenants in settled housing. Any differences must be adequately justified since unjustifiable differences in treatment between the two sectors could constitute unlawful discrimination. It should be noted that there is no justification for direct discrimination and, if complaints should arise, there should be appropriate mechanisms for dealing with them.

7.41 Organisations responsible for Irish Traveller accommodation should pay attention to the following matters:

- Tenancy terms & conditions: For pitches on permanent sites (sometimes referred to as serviced sites), the degree of security of tenure should be comparable to that applying to social rented housing.
- Consultation & involvement: Irish Travellers on permanent sites should have the same kind of opportunities to be involved in decisions about the management of accommodation as tenants of other social rented housing.
- Repairs & maintenance: Amenity units and other buildings on Irish Traveller sites should be maintained to the standards applying generally to the organisation's general housing stock or to the standards apply to other social housing sectors. Maintenance cycles, for decoration and upgrading, for example, and target response times for repairs should be similar.
- Information: Irish Travellers should have similar access to information about letting arrangements and tenancy rights as other social housing tenants.

- Appeals: Irish Travellers should have the same right of appeal against decisions, for example a refusal to grant a tenancy or refusal to grant consent under tenancy conditions, as other social housing tenants.

## **Managing unauthorised Irish Traveller encampments**

- 7.42 Unauthorised encampments are a form of living accommodation for some Irish Travellers and therefore come within the scope of this Code. Nomadism is a historical feature of Irish Traveller culture and therefore is afforded protection under the Order.
- 7.43 Unofficial encampments are often set up on land owned or occupied by others, and this brings the Irish Traveller community into conflict with the settled community, local authorities, government departments, businesses and other users. Legal means of dealing with the conflict, which can involve eviction from the sites, then have to be employed.
- 7.44 It is recommended that the Executive as part of its assessments of all housing and accommodation requirements:
- take account of the patterns of unauthorised encampment;
  - assess how all unauthorised encampments, as single entities, and the pattern of all encampments change over time; and
  - consider how far the existence of unauthorised encampments indicates a need for additional provision.
- 7.45 It is recommended that district councils monitor patterns of unauthorised Irish Traveller camping, and use the information to determine appropriate strategies, policies and action plans in conjunction with other relevant bodies.

- 7.46 It is important that all strategic / statutory authorities adopt a strategic approach to the management of unauthorised encampments.
- 7.47 District councils will be the most appropriate agencies to lead on the development of strategies but these authorities will need to work closely with other bodies; particularly the Police Service of Northern Ireland (PSNI).
- 7.48 Strategies need to take into account the protection of the environment, public health and public safety. Other aspects, which are of direct relevance to the Code, concern the rights of the Irish Travellers themselves and the need to promote good race relations.
- 7.49 Of particular importance is the need for district councils to consider whether basic services should be provided to the encampments, either directly or through another agency, including refuse collection services, toilet provision and a fresh water supply.
- 7.50 The rights of Irish Traveller families, including those set out in the Human Rights Act 1998, and the welfare of the occupiers should be fully taken into account before decisions are made about evictions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a right under the European Convention on Human Rights. The Convention states:

**European  
Convention  
on Human  
Rights**

**Article 8**

- **The First Protocol, Article 1: Protection of property –**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- **Article 8: Right to respect for private and family life –**

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- **Article 6: Right to a fair trial –**

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

- **Article 14 - Prohibition of discrimination –**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

7.51 Article 8 provides for interference with these rights only in a limited number of circumstances. Compliance with domestic property law is a necessary excepting condition only when any interference meets a pressing social need and it is

"proportionate to achieving a legitimate aim". Therefore, any decision to proceed with an eviction must be justified and proportionate. The circumstances and views of the Irish Travellers concerned should be carefully investigated.

- 7.52 All reasonable efforts should be made to ensure that good relations are preserved between Irish Travellers in encampments and nearby residents. Both nearby residents and Irish Travellers have the right to live in an environment free from harassment, disturbance and nuisance. Action therefore needs to be taken by the statutory authorities with responsibilities for Irish Traveller sites and other appropriate authorities, if such incidents occur. Any action taken against any party must involve due process of law.
- 7.53 If action to remove the unauthorised encampment is proposed, good relations will be easier to foster if both communities can be given a clear idea of what is to be done and when. Public authorities should endeavour to identify suitable accommodation or alternative sites to avoid simply relocating the issue to another area.
- 7.54 Public authorities should ensure the confidentiality of Irish Travellers including their identity, the actual time of eviction and of any agreed / likely destination to which the Irish Travellers may be relocating.

## **Removing unauthorised encampments**

- 7.55 The **Unauthorised Encampments (Northern Ireland) Order 2005 (the "Encampments Order")** and **The Unauthorised Encampments (Retention and Disposal of Vehicles) Regulations (Northern Ireland) 2006** have recently come in operation.
- 7.56 The Encampments Order gives, among other matters, a police officer the power, in certain circumstances, to remove trespassers from land.
- 7.57 If a police officer proposes to direct trespassers to leave the land they are on, and the person or people concerned are

members of the Irish Traveller community, the police officer will have a duty to consult with the Executive as to whether there are suitable pitches for the caravan or caravans on a relevant caravan site.

7.58 The Order defines a relevant caravan site for members of the Irish Traveller community as one provided by the Executive under the **Housing (Northern Ireland) Order 1981** as amended by **The Housing (Northern Ireland) Order 2003** and situated within a reasonable distance of the land.

**The Housing  
(Northern  
Ireland) Order  
1981**

**Article 28A**

7.59 It is important that the Executive responds to any requests for information as quickly as possible in order to reduce uncertainty for Irish Travellers, landowners and for any nearby residents. However, the information provided must take account of all the relevant circumstances and this will inevitably take a little time to assemble. In particular, the circumstances and views of the Irish Travellers themselves will need to be ascertained.

**The Housing  
(Northern  
Ireland) Order  
2003**

**Article 125**

7.60 In responding to a request from a police officer, the Executive should take account of the recommendations set out below regarding 'suitable pitch' and 'reasonable distance'.

### **'Suitable pitch'**

7.61 In deciding whether there is a suitable pitch for the caravan, or each of the caravans, the Executive should take into account:

- The family unit: The need to keep family units together. Where, for example, a family unit has two caravans then two pitches in close proximity will be needed. This is particularly important where parents have dependent children to look after or there are other caring responsibilities within the family.
- Family groups: The desirability of accommodating together groups who have a history of living together and wish to continue to do so. Where, for example, the unauthorised campers comprise two family

groups, efforts should be made to find pitches that are close to each other.

- Pitch availability: The pitch must be available for occupation. If it is undergoing maintenance then the eviction must be delayed until the work has been completed.
- Duration of pitch availability: How long the pitch is likely to be available if the Irish Traveller takes up occupation of it. There should be a reasonable expectation that the pitch will be available for at least three months, except where he or she expects to move before that time.
- The needs of other Irish Travellers: The Executive will have to satisfy itself that there is not another Irish Traveller household with a greater need for the pitch.
- Personal health and safety: A pitch should not be deemed to be suitable if, were the Irish Traveller to take up occupation of it, there would be a very real prospect of violence or serious disorder involving others including other Irish Travellers living nearby.

### **'Reasonable distance'**

7.62 The term 'reasonable distance' is not defined within the Encampment Order. In deciding what is a reasonable distance the police, in consultation with the Executive and any relevant authorities, should take into account all relevant factors including social, welfare or other needs of the Irish Travellers concerned. Furthermore, the Executive and relevant authorities should have regard to:

- the location of any school, college, health facility or place of work regularly attended by any of the Irish Travellers family; and
- the ease with which the Irish Traveller or family member can get to the school, college, health facility or place of work, including the availability of public transport.

## **Ensuring compliance with human rights & equality obligations**

- 7.63 The Police Service of Northern Ireland (PSNI), in the development of policies on unauthorised encampments, must comply with, the Order, the “Encampments Order, and with Section 75 of the Northern Ireland Act 1998 in relation to the development of the policy and the associated equality impact assessment consultation/s. It must ensure that it does not contravene the Order in respect of any decision or policy implementation.
- 7.64 The Police Service of Northern Ireland (PSNI), the Executive and any other bodies involved in the decision to, or process of, removal should also ensure that all its policies and practices comply with human rights duties.

## **8 Creating Safe & Inclusive Neighbourhoods**

- 8.1 Harassment on grounds of race or ethnic or national origins is unlawful under the Order. All organisations concerned with housing and accommodation have a role in combating racial harassment and in creating communities where people can live safely. Public bodies, including the Northern Ireland Housing Executive, registered housing associations and district councils, also have a general responsibility to promote racial equality and good race relations under Section 75 of the Northern Ireland Act 1998.
- 8.2 Minority ethnic people have, along with everyone else, the right to live peacefully and safely. All too often they have been denied this right through targeted acts of violence and intimidation.
- 8.3 The Good Friday (Belfast) Agreement 1998 affirmed the commitment of the parties to the right freely to choose one's place of residence and to the right to freedom from (sectarian) harassment. The parties also recognised the need to promote a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing. These protections in an equal society should apply to all in society including those from minority ethnic communities.
- 8.4 Enabling people to choose freely where they live, through the creation of neighbourhoods that are free from violence and intimidation, involves both proactive and reactive work. Within the context of race relations, there is a need for action positively to create better relations in order to support an atmosphere that makes racial harassment unlikely. There is also a need for all organisations responsible for housing, accommodation and the living environment, together with the Police Service of Northern Ireland (PSNI) and other community safety initiatives, to take seriously their

responsibilities for dealing with racial harassment when it does occur.

- 8.5 Protection from racial harassment should be similar to that afforded to other forms of harassment including sectarian intimidation. Any difference may amount to indirect discrimination. However, where individuals or communities are at a particular threat, those with responsibilities for protection may be under a duty to react in a way that is proportionate to the threat.

## **Fostering good relations**

### **Good relations strategies**

- 8.6 The Government's good relations strategy "A Shared Future" points out that Northern Ireland is no longer a bipolar society. It is enriched because it is becoming more culturally diverse. The document draws attention to the increase in racially motivated intimidation and violence. The strategy sets out a framework for combating racism and sectarianism and the encouragement of understanding and tolerance. All those responsible for the management of social housing and accommodation should actively support the aims of the strategy and embrace the framework which it provides.
- 8.7 The strategy suggests that transformation of local communities to achieve the vision of a shared community requires action at a local level. It includes the recommendation that district councils should play a key role which includes the development of locally-based three-year good relations plans covering both employees and local residents.
- 8.8 The Commission is currently consulting on a draft Guide for public authorities on "Promoting Good Relations" under Section 75 (2) of the Northern Ireland Act 1998. It is important that those responsible for the provision of housing and accommodation and the development and maintenance of good relations take account of this, and subsequent

finalised, guidance (the closing date for the consultation is 2 March 2007).

- 8.9 There is a responsibility on public bodies to use their authority and considerable influence to contribute to the creation of a shared society in which diversity is embraced. The draft Guide sets out a series of key principles which should underpin the implementation of good relations duty.
- 8.10 The development of a Good Relations Strategy to provide a clear and workable framework for the promotion of good relations is a key recommendation in the Guide. Such a strategy should demonstrate that a public authority has considered what 'good relations' means in the context of their own organisation, and identify the organisation's priorities and key strategic areas.
- 8.11 A Good Relations Strategy should include:
- A vision or aim articulating the aim of the organisation in the context of its remit and functions. There are a number of examples of aims and visions adopted by public authorities in the Guide;
  - A set of key principles which underpin the strategy;
  - A commitment to consultation and communication of the strategy. It is essential that the views of those likely to be affected by the strategy are sought, in terms of what are key objectives and priorities and measures to be undertaken;
  - An action plan, including specific measures, a timetable, and performance indicators and targets; and
  - A commitment to review and evaluate the strategy and action plan.
- 8.12 A range of good relations frameworks have been developed which may assist public authorities in developing action plan, such as the 'Equity, Diversity and Interdependence Framework' by Future Ways, and the Community Relations Council's 'A Good Relations Framework'.

8.13 The Guide to the Statutory Duties is the main source of guidance on implementing the Section 75 duties on public authorities. It recommends that any policy with an impact on good relations should be screened in for impact assessment. Screening is an opportunity to identify adverse impact and how to better promote equality and good relations

8.14 Housing and accommodation providers have an important role to play in the development of good relations in local communities. The Shared Future strategy contains two objectives (which providers should adhere to) for shared communities:

- Developing shared communities where people of all backgrounds can live, work, learn and play together; and
- Supporting and protecting existing areas where people of different backgrounds live together.

8.15 Some of the ways in which landlords and other organisations concerned with accommodation can assist in good race relations initiatives are:

- Initiating and supporting projects that promote understanding, tolerance and respect between different racial groups;
- Ensuring that structures for tenant and other service user participation and involvement are inclusive of all racial groups;
- Initiating or supporting mediation projects to assist in the development and maintenance of good relations between members of different racial groups;
- Taking decisive action to deal with racial harassment of residents, including supporting victims and, wherever possible, identifying and dealing with perpetrators (see below);
- Leading by example through taking firm action against harassment and intimidation occurring

between employees or between employees and service users;

- Taking part in publicity campaigns where new initiatives involving minority ethnic groups are concerned – an example maybe where a local employer plans to bring new migrant workers into an area, local residents should be informed of the proposal and of the support programmes that exist;
- Proactively countering myths that may circulate in local areas about minority ethnic groups, including Irish Travellers and migrant workers;
- Where appropriate, taking action to ensure the removal of inappropriate flags and emblems on premises they own or manage (see below);
- Where specific provision for particular racial groups is proposed, carrying out consultation not only with representatives of the community that is to benefit but also with existing residents living near the proposed development; and
- Considering whether meeting rooms and other communal facilities provided in association with housing accommodation could be available for use by people from different communities - for example, where communal meeting facilities are to be provided in Irish Traveller groups housing schemes these could be made available for use by members of the wider community.

8.16 Housing providers should not use good relations as a reason for denying equality of opportunity. Sometimes in providing for equality good relations may temporarily be strained. For example, the development of a minority ethnic housing scheme in a particular area. In such cases, it is through the adoption of equality of opportunity measures that will ultimately achieve the conditions where good race relations will have the best possibilities for long term success.

## **Good Practice 4 - Promoting cultural understanding**

**Clanmil Housing**, a registered housing association, with property throughout Northern Ireland, has a programme of cultural exchanges, which seeks to promote understanding and interaction between people from different cultural backgrounds.

With funding from **Co-Operation Ireland**, residents from a number of schemes for older people in Bangor, Co Down have shared time together with older people who are members of the **Chinese Welfare Association**, based in Belfast.

Both groups have exchanged knowledge and understanding through:

- Sharing meals together
- Learning about arts and crafts from both cultures and having a go themselves
- Cooking demonstrations
- Irish dancing
- Folk singing
- Story telling
- Looking round the housing schemes

Participants found the exchange visits extremely enjoyable. The visual and musical aspects helped break down the language barriers, although an interpreter was on hand to help where needed.

## **Responding to flags & emblems**

- 8.17 The Government's Shared Future strategy includes proposals to tackle the inappropriate display of flags and emblems that are in the 'public realm'. All housing and accommodation providers should consider how this strategy or such future initiatives apply to them.
- 8.18 There is a specific race equality dimension to the flags and emblems issue. People from minority ethnic communities may interpret the presence of flags and emblems as indicating that they are not welcome in an area, even though they may feel themselves to be neutral in a constitutional and sectarian conflict. In some parts of the United Kingdom, the Union Flag is associated with far-right activity and some may feel, however mistakenly, that this association exists in Northern Ireland. Others may have seen media reports of sectarian violence in or around some of the areas where flags and emblems are displayed and may feel that all areas containing displays are affected by such violence and are therefore not safe places to live. Displays may therefore place barriers on choices that people from certain racial groups make about where they live.
- 8.19 One of the key aims of the Government's Race Equality Strategy is 'participation' which is about creating a sense of 'belonging' for people from minority ethnic backgrounds in public, political, economic and cultural life. An environment which is littered with paraphernalia linked to the political divide in Northern Ireland and which sometimes includes sectarian and paramilitary imagery cannot provide the necessary atmosphere for such a sense of 'belonging' to develop.

- 8.20 The Order protects people from discrimination on grounds of nationality. In Northern Ireland, people may identify themselves as British or Irish or both. They may also identify themselves as Northern Irish. Thus the use of flags, including the Union flag, Northern Ireland flag and the Irish Tricolour may, depending on where and when, and in what circumstances they are displayed, lead to a situation where their use is deemed as being threatening.
- 8.21 It is important that those responsible for housing and accommodation issues consider the display of such material on or within areas over which they have control. Each housing provider should have a policy covering how they would deal with such situations. This policy should be consulted upon with interested parties including members of the local community.
- 8.22 As owners and managers of housing and accommodation which may be used for displays of flags and emblems, landlords have responsibilities regarding this issue. The protocols proposed in the Shared Future strategy for dealing with displays are being implemented by the Police Service of Northern Ireland (PSNI) in collaboration with other key agencies. These address the responsibilities for removing 'inappropriate and aggressive' displays taking account of existing legislation. Where local protocols provide for the removal of specific displays on accommodation owned or managed by social and private landlords, the landlords should actively co-operate. Social landlords, district councils and housing associations also have additional duties under Section 75 of the Northern Ireland Act 1998 in respect to the promotion of equality of opportunity between different racial groups and good race relations. These duties should also be central to policies and procedures relating to flags and emblems.
- 8.23 Landlords should also consider the need to introduce prohibition of inappropriate and aggressive displays within their tenancy conditions and leases and within covenants made in respect of accommodation sold under the right to buy and similar schemes.

# Tackling racial harassment

## Developing policies & procedures

- 8.24 All landlords, large or small and whether in the private or social sectors, should have written policies and procedures to deal with racial harassment. These could be part of broader policies and procedures to deal with all forms of harassment and intimidation.
- 8.25 Policies and procedures should define racial harassment in the light of the definition put forward in the report of the inquiry into the death of Stephen Lawrence (See Chapter 1 – Introduction). This report recommended that the police, local government and other relevant agencies should universally adopt a single definition of a racist incident:
- ' A racist incident is any incident which is perceived to be racist by the victim or any other person'
- 8.26 This definition means that if anyone - the victim, a witness, a police officer or a housing worker - perceives an incident as racist, it should be recorded by the person to whom it is reported as such, regardless of any other views.
- 8.27 In line with the recommendations made in the Macpherson report on the Stephen Lawrence inquiry, all racist incidents should be reported, recorded and investigated, regardless of whether or not a crime has been committed. Relevant agencies should work together in order to:
- encourage people to report incidents;
  - share information about incidents; and
  - establish facilities to enable people to report incidents at any time of the day and at locations other than police stations

### **Good Practice 5 - Government Agency**

The Office of the First and Deputy First Minister's Racial Equality Strategy 2005-10 published in 2005 sets out a number of action points on racist incidents, including:

- a system to monitor the level of incidents across Northern Ireland;
- allowing for reporting through a range of statutory bodies and voluntary groups;
- piloting local 'early warning' and 'good neighbour' schemes; and
- auditing staff training arrangements.

- 8.28 Racial harassment policies should recognise the possibility of harassment of different racial groups. This should include recognition of harassment on grounds of race, colour, ethnicity, nationality, ethnic or national origins, and on the grounds of belonging to the Irish Traveller community.
- 8.29 Community conflict has been a part of life in Northern Ireland for many years and there is a possibility that those working in landlord organisations have become de-sensitised to intimidation and violence and may only act where harassment is extreme. They may therefore not take appropriate action in less serious cases of harassment. Some may regard it as a form of 'neighbour dispute' and may not take appropriate action. Landlords need to bear these points in mind when devising their policies, procedures and training programmes, which must be robust, transparent and regularly communicated to everyone; including staff, tenants, contractors and board members. Such policies and procedures should also have the clear backing and support of senior management.

### **Example 47 - Indirect racial discrimination: Paying removal expenses**

A social housing landlord pays removal expenses for households who move because of violence or intimidation on sectarian grounds but its policy does not include cases where households move because of racially motivated violence.

This would be indirect discrimination against members of minority ethnic groups because, although the entire community is protected under the policy, it applies only to the most common form of harassment (sectarian) and this is likely to be experienced by Catholic or Protestant families.

Given the levels of racial attacks in Northern Ireland, this policy would be difficult to justify.

## **Social housing**

8.30 In 2001, the Department of the Environment, Transport and the Regions, the Housing Corporation and the National Assembly of Wales published “Tackling Racial Harassment: Code of Practice for Social Landlords.” Whilst this publication has been written for social landlords in England and Wales, a great majority of its contents apply to Northern Ireland. Social landlords should take account of the recommendations made in this report when drawing up their policies and procedures. Listed below are the recommendations from the aforementioned publication along with additional recommendations:

### Multi-agency working

- Social landlords should adopt the definition of racist incidents recommended in the Stephen Lawrence Inquiry
- Social landlords should join and participate in multi-agency forums on racial harassment in areas where they hold a substantial housing stock

- Front line staff need to be aware of local agencies and services to support victims of racial harassment.

### Prevention and publicity

- Social landlords should have a clause in their tenancy agreements specifically prohibiting racial harassment. Anti-harassment clauses should be worded in a way that includes not only the activities of tenants but also other people in the household, for example, children and lodgers, and also visitors to the home. The clauses should outlaw harassment of people who may not be tenants of the same landlord, including for example local residents living in private housing, prospective tenants coming to the area to view a property, and others residing locally, including Irish Travellers. This should cover employees and contractors acting for the landlord or others who are legitimately visiting the property or district.
- Social landlords should work with other local agencies to map racist incidents to detect local trends and identify 'hot spots'.
- Social landlords should use 'target-hardening' measures to protect vulnerable tenants in their home. Target hardening is a means of discouraging bad behaviour; installing extra protection such as fireproof letterboxes, shatterproof glass, extra lighting, locks, bolts, reinforced door hinges etc., providing basic crime prevention advice, linking in with other services to improve security.
- Social landlords should display posters and leaflets stating their commitment to tackle racial harassment as well as the action they will take to deter perpetrators and to give victims the information, confidence and support to report racist incidents.
- Policies on racial harassment, including leaflets on harassment reporting should be made available in appropriate minority ethnic languages and other formats as appropriate.

- Social landlords should work with the police and other local agencies on outreach work with schools and youth groups.
- Lettings and transfers policies should minimise the risk of further racial harassment and should work actively to combat the creation of no-go areas defined by perpetrators.
- Effective and inclusive tenant participation structures and practices can contribute to the effective tackling of racial harassment.

### **Good Practice 6 - Target hardening**

**Habinteg Housing Association**, a major housing provider in the North West, provides security packs comprising window locks, peepholes etc. to anyone who is at risk of violence, which means vulnerable members of minority ethnic groups, victims of domestic violence and those at risk of homophobic attacks. The Association offers this service free of charge to tenants of its own properties and to those in the private sector whom the Police Service of Northern Ireland (PSNI) has identified as being at risk.

### Encouraging reporting and monitoring

- Social landlords should abide by the guidelines developed by the Community Safety Unit of the Northern Ireland Office in 2006 entitled “Reporting Incidents of Hate” for recording hate incidents. This includes social landlords in areas where the population of black and minority ethnic residents is low and where they are more likely to be isolated.
- Social landlords should help to develop and participate in local networks of third party reporting centres, using common reporting forms and contributing to a central database of racist incidents.
- Social landlords should develop and implement a protocol for sharing information about racist incidents and perpetrators with other local agencies bearing in

mind the requirements imposed by the Data Protection and Human Rights legislation. Social landlords should set a target covering the number and estimated proportion of racist incidents reported and the number which are dealt with to the satisfaction of the victim.

- Social landlords should consider using police and community organisations such as those representing minority ethnic groups and those involved in community restorative justice initiatives to train housing management staff in how to take statements, quote evidence, write reports and identify perpetrators.
- Social landlords should collate reports of incidents regularly and report to the relevant committee or board at least every six months.
- Social landlords should set performance indicators for dealing with racial harassment effectively.
- Social landlords should recognise that people are unlikely to report racist incidents unless they believe the landlord is competent to tackle racist behaviour effectively and is committed to using its authority and resources to do so.

### **Good Practice 7 - Monitoring incidents**

The Foyle District Command of the **Police Service of Northern Ireland (PSNI)** monitors hate crimes in the North West region and analyses the statistics in order to identify areas for future action and assess the impact on minority ethnic communities.

## Supporting victims and witnesses

Tenants and others who may be victims of, or witnesses to, racial harassment or intimidation need support.

- Social landlords should refer victims of racial harassment to effective and sensitive counselling services and should use Without Notice Injunctions to protect victims and witnesses in every situation where threats of violence are made against them by identifiable perpetrators. Without Notice Injunctions are court orders to prevent someone from engaging in an action and issued without notice to the other side. An exceptional remedy and a departure from normal procedure, the action should be necessary and proportionate if the behaviour is serious.
- Social landlords should arrange safe, good quality temporary housing for victims and witnesses of racial harassment if they fear for their immediate safety. A permanent transfer should be offered if there is no prospect of a safe return.
- Social landlords should provide effective support for witnesses and work with other organisations to ensure their safety.
- Social landlords should arrange access to telephone and face-to-face interpreters for minority ethnic languages when necessary.
- Social landlords should train housing management staff in equality, human rights and criminal legislation in respect to their application to situations of racial harassment. Also, staff should be trained to understand victims' perceptions and ways to meet and support the needs of victims and witnesses. All staff should be aware of the policies and procedures employed by the landlord in dealing with racial harassment.

- Social landlords should ensure that their staff are aware of the relevant provisions of the Human Rights Act 1998, particularly with regards to personal safety, the right to family life and property.
- Social landlords should develop quality assurance methods to assess victims' satisfaction.
- Social landlords should give high priority to repairing damage and removing graffiti caused by the perpetrators of racial harassment.
- Landlords should provide feedback to victims and other agencies of what is being done to deal with the problem.

### **Good Practice 8 - Working in partnership to develop a joint hate crimes protocol.**

In conjunction with the **Police Service of Northern Ireland (PSNI)**(Foyle District Command) and various other agencies, **Derry City Council** has developed a local protocol to deal with hate crimes in the L / Derry area. The joint protocol outlines the procedure for dealing with racist incidents; courses of action, who to contact and sources of support and advice etc.

The protocol was developed by Derry City Council and Derry District Policing Partnership (2006) is the "Partnership protocol to actively engage with minority ethnic groups and the community in general to reduce the number of racist attacks and fear of attack in the Derry City Council area"

A similar protocol to deal with homophobic incidents has also been produced.

### Action against perpetrators

- Social landlords should be aware of the value of early intervention and consider using the full range of civil law remedies against perpetrators, including injunctions, anti-social behaviour orders, as well as possession proceedings, when dealing with racial harassment.
- Housing management staff need to be aware of the potential for criminal action in cases involving racially aggravated offences, intentional harassment and incitement to racial hatred.
- Social landlords should work closely with the police on the collection of intelligence and evidence, and in pursuing prosecutions for racially aggravated offences, intentional harassment and incitement to racial hatred.
- Housing management staff should be trained in the techniques of mediation and in how to take effective civil and criminal action against perpetrators of racial harassment.
- Housing management staff should be aware of the role of the courts and the value of case conferences with Counsel early on and facilitating meetings between Counsel and victims and witnesses.

## Private housing

- 8.31 Private housing landlords, particularly smaller organisations, may not be able to take the full range of measures outlined in the good practice standards for social landlords set out above, but they should at the very least have written procedures setting out how racial harassment is to be tackled and include within their tenancy conditions a clause prohibiting racial harassment. Steps should also be taken to make sure that all staff who deal with the public know that racial harassment is against the law and are familiar with the organisations' procedures to handle the issue. They should also have in place, procedures for referral to the police where serious harassment occurs. Larger landlords should join multi-agency forums and projects on racial harassment where they exist.
- 8.32 Social landlords selling properties or granting long leases under the right to buy and similar schemes should include a suitable anti-harassment covenant in the sale or provision in the lease.

## **9 Giving Information & Advice**

- 9.1 Organisations responsible for selling, letting and managing homes and providing other accommodation-related services must not discriminate on racial grounds in the way they provide information (this includes both direct and indirect discrimination). Under the provisions of Section 75 of the Northern Ireland Act 1998, the Northern Ireland Housing Executive, registered housing associations and district councils have specific duties to carry out their information-giving functions in a way that promotes equality of opportunity and good race relations.

### **Ensuring people are aware of services**

- 9.2 Organisations should develop clear policies for the way they communicate with minority ethnic communities.
- 9.3 Particular attention should be paid by the appropriate organisations to the publicising of the more specialist services, where knowledge of them may be more limited than it is for those that are aimed at wider sections of the community. Examples of the more specialist services may include:
- adaptations to houses for people with disabilities;
  - protection against landlord harassment and illegal eviction in the privately rented sector;
  - services to deal with statutory nuisances and with problems in houses in multiple occupation;
  - grants service for the renovation of private housing;
  - rehousing options including transfers and exchanges including rehousing in response to changed circumstances; and
  - emergency housing for the homeless.

- 9.4 Information needs to be made available in a way that recognises different needs between the various minority ethnic communities. Although basic information may need to be available in written form, it should be recognised that not everyone can read written material, even in their mother tongue, and that suitable methods of communicating orally need to be found in addition to pictorial signage to assist communication and understanding.

## **Written information**

- 9.5 It is important to review the suitability of the full range of written information, such as leaflets, standard letters and instructions which are provided to service users and potential service users.
- 9.6 Some important key documents, for example:
- emergency procedures;
  - safety instructions in hostels;
  - racial harassment policy; and
  - rent policies
- may need to be fully translated into the appropriate languages.
- 9.7 Organisations may also wish to consider adopting a 'translate or explain on request' approach. This means that a statement is prominently displayed on each document saying briefly what the document is about and what people should do if they want a translation, or (where possible) an oral explanation of what it says, in the appropriate language. Other documents could carry a standard 'we would be happy to translate this document' logo.
- 9.8 Where leaflets and posters show pictures of service users, organisations should make sure that inclusive images of the community are shown. Leaflets showing only clients from a single ethnic group may suggest that the services are not appropriate for people from other minority ethnic communities.

- 9.9 The range of materials and the languages into which they should be translated will depend on particular circumstances, including the ethnic profile of existing tenants and the catchment area in which the service is provided. Landlords should be aware of the potential for indirect discrimination arising from not translating information and should embrace a good practice approach, translating information where there is demand.

### **Good Practice 9 - Communicating with people whose first language is not English**

**South Ulster Housing Association**, a registered housing association, has provided housing for a number of migrant workers, most of who are of Portuguese origin. The association has translated into Portuguese all the important documents that tenants require:

- The letter offering properties
- Tenancy agreements
- Leaflets concerning:
  - How to pay your rent
  - How to keep the property in good condition
  - How to report a repair
  - How to contact the housing association
  - Emergency telephone numbers

It has also provided its staff with Portuguese translations of useful words and phrases (days of the week, months of the year etc.), so that as much Portuguese as possible can be put into any letters or other documents.

Office notices and some instructions are provided in Portuguese so that enquirers can be shown where they should go or know where to wait until a member of staff can talk to them. There is also a multilingual 'welcome' notice so

that new clients can point to their own language, thus enabling staff to provide the relevant documents.

A translator has been found to help a Chinese tenant who does not speak or read English. The translator was found through the local Chinese community group and, following a successful exercise where the person was brought in to undertake verbal translations of tenancy agreements and other documents, a more permanent business relationship has now been forged.

The Association has also decided to install a telephone interpreting service.

The Association acknowledges that translating documents is expensive, but recognises that this practice has long-term benefits for both the community and the Association and is a way of building up partnerships for the future.

## **Other methods of communication**

9.10 Apart from written communication in the form of leaflets and newsletters there are a number of other ways of communicating with those needing or using accommodation services. The more varied the communication methods, the more likely it is that members of minority ethnic communities will find out about the housing options open to them:

- audio tapes
- DVDs
- local radio
- open days
- exhibitions
- seminars and conferences.

9.11 The Executive and registered housing associations should give consideration to publishing resource packs comprising leaflets, posters, policy manuals and application forms, and making these available to independent advice agencies and community organisation offices in order to ensure that minority ethnic groups have access to information on a range of housing options.

## **Interpreting**

9.12 Organisations need to make sure that they have arrangements to communicate with people who cannot speak English or whose English is limited. Housing providers should be aware that competence in written or spoken English may vary and communications policies should reflect this. The employment of 'front line' staff with the appropriate language skills will improve communication but it is recognised that this will not be possible in many cases and that the use of interpreters may be required. There are a number of options:

- directly employed interpreters;
- outside interpreting agencies;
- telephone interpreting services; and / or
- jointly established interpreting services shared by a number of service providers.

9.13 The use of agency interpreters and translators has sometimes been criticised because, unless the client organisation has staff with the appropriate language skills who can check their work, there is a danger that mis-communication can take place. For example, technical words may be wrongly translated or interpreters may 'lead' the person they are assisting. Organisations should consider the possibility of accrediting organisations from which they purchase interpreting and translating services and of monitoring, on a regular basis, the service they receive.

## Helping newly arrived groups

- 9.14 Particular efforts should be made to ensure that minority ethnic groups who have recently arrived in Northern Ireland, such as migrant workers, are aware of their rights and of the accommodation and accommodation-related services that are available.
- 9.15 It is recommended that district councils, together with other agencies, develop a coordinated approach to information provision. However, any coordinated information provision will need to be adapted to the local circumstances of a given district. In doing so, it is recommended that district councils coordinate the development of welcome packs that inform minority ethnic groups of the services available across Northern Ireland, but which also describe the various services that exist locally and how to access them. It is also recommended that these packs are made available in the appropriate languages. The provision of such packs is a good way of assisting people to settle in to communities.
- 9.16 Other initiatives may be appropriate, such as the:
- provision of support to community organisations working with the newly arrived groups; or
  - appointment of outreach workers.

## Using community resources

- 9.17 Social housing landlords need to recognise the potential value of community organisations. As some people, who need information about accommodation, may turn for help to their local community group rather than to an official housing organisation.
- 9.18 Social landlords may wish to consider the following means of developing partnerships within local communities, through:
- providing community organisations with training and resource packs on accommodation services and options;

- funding voluntary agencies working with particular minority ethnic communities; and / or
- seconding staff to work with community organisations - for example, staff could provide regular advice sessions at community organisations' premises.

## Employing outreach workers

9.19 Social housing landlords, together with other organisations such as district councils, should consider the appointment of outreach workers to liaise with particular minority ethnic communities. The provision of such workers may fall under the specific provisions made within the Order regarding meeting the special needs of particular racial groups. Examples could include:

- an outreach worker to liaise with the Irish Traveller community; or
- an outreach worker to help with the settlement of migrant workers.

9.20 The aim of such appointments might be to ensure that members of the communities are aware of the services provided, to consult with the communities and to take back to the organisation issues that are raised. Such appointments may work best on an inter-agency basis.

9.21 In some cases, it may be appropriate for the worker to have a similar background to the communities he or she was seeking to assist. The Order allows for the recruitment of members of a particular racial group where the holder of the job provides persons of that racial group with personal services promoting their welfare and a person of that group can most effectively provide these services. This is called a genuine occupational requirement. The Commission can provide further information about this issue. The reader is also advised to refer to the Commission publication “Code of Practice for Employers: For the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment”.

Article 35

Article 8



## 10 Resolving Disputes

- 10.1 This chapter explains what happens if someone makes a complaint against an individual or organisation responsible for the provision, sale, letting and management of housing or accommodation, and what they can do about it. It also explains what actions may be taken to put right any discrimination that is found to have taken place.
- 10.2 This chapter is split into four short sections:
- Making a complaint;
  - Internal complaints procedures of housing & accommodation organisations;
  - Legal & statutory remedies; and
  - Information and advice.

### Making a complaint

- 10.3 A person who believes that an individual or organisation responsible for the provision, sale, letting and management of housing or accommodation has discriminated against or harassed them can challenge and seek resolution in several ways. These are:
- internal complaints procedures of housing and accommodation organisations ;
  - legal action under the Order;
  - complaints against public authorities under Section 75; and
  - other initiatives, for example, mediation services through advice and / or community centres.
- 10.4 It must be stressed that a person who believes that they have been discriminated against can follow more than one complaints procedure at the same time.

Article 54

- 10.5 It is important to remember that legal action taken under the Order must be brought within six months of the act of discrimination. The onus is on the individual to lodge their complaint to the county court. Although the Commission does not hear complaints brought under the Order, it may have a role in providing advice and legal assistance.
- 10.6 Therefore, a person who believes that they have been discriminated against should contact the Commission to seek advice as soon as possible after the alleged act of discrimination or harassment.

### **Internal complaints procedures of housing & accommodation organisations**

- 10.7 A person who believes that they have been discriminated against, or harassed, on racial grounds should, where appropriate, raise a complaint with the individual or housing and accommodation organisation.
- 10.8 A housing and accommodation organisation should have complaints procedures which will try to quickly resolve disputes.

### **Race Relations (Northern Ireland) Order 1997 (as amended)**

- 10.9 The legal time limits of 6 months remain the same even if a person tries to resolve a dispute through an organisation's internal complaints procedures.
- 10.10 If the legal time limits are not met, an individual may lose the right to take legal action. Using internal procedures may not be good justification for failing to meet the time limits. Therefore, in order for individuals to protect their right to take a case to Court, they need to consider whether lodgement is necessary prior to the internal complaints procedures being exhausted. Housing and accommodation organisations should be alert to the time limits and the pressure on complainants to lodge proceedings if matters

are not resolved internally. Therefore, quick and effective resolution may be in the interests of both parties.

### **Complaints against public authorities under Section 75**

- 10.11 A person who wishes to make a complaint that a designated public authority, such as the Executive or a housing association, has not acted in compliance with its equality scheme must first raise the matter with the public authority.
- 10.12 Each equality scheme sets out the authority's complaints procedure and contact point. If the person complaining is not satisfied with the response of the public authority, they may then complain to the Commission (see "Legal & statutory remedies").

### **Legal & statutory remedies**

#### **Race Relations (Northern Ireland) Order 1997 (as amended)**

- 10.13 A person who believes that a housing and accommodation organisation has discriminated against or harassed them may bring civil proceedings. Discrimination on racial grounds in the provision of housing and accommodation comes under the goods, facilities and services provisions of the race legislation. These cases are heard in the County Court.
- 10.14 Complaints of discrimination must be brought to the County Court within six months of the act of discrimination. If the deadline has passed a Court may consider any complaint, claim or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- 10.15 If an application for assistance is made to the Commission before the end of the six month time lime, the period allowed for lodging proceedings will be extended by two months.
- 10.16 Where a County Court finds in favour of the claimant, it may award any of the following remedies:

**Article 54**

**Article 65**

**Article 65 (3)  
& Article 64**

- an order declaring the rights of the parties;
- an injunction or order; and
- damages, including compensation for injury to feelings.

10.17 Where the Court finds against a party, that party will normally pay their own costs and the costs of the other party.

10.18 There is a right of appeal to the Court of Appeal against a decision by the County Court. If leave is granted, a further appeal can be made to the House of Lords.

### **Section 75 of the Northern Ireland Act 1998**

10.19 If a person believes that a public authority has failed to comply with its approved equality scheme he/she can make a complaint to the public authority under Section 75. Public authorities must respond to a complaint within a reasonable time, usually one month.

10.20 If a complaint is not resolved with the public authority a person can refer the complaint to the Commission. The complaint must be made to the Commission within 12 months of the issue arising. The Commission's procedure for dealing with Section 75 complaints is on our website.

10.21 If the Commission considers that a person has been directly affected by a public authorities' failure to comply with its equality scheme it can conduct an investigation and issue a report and recommend a course of action which the public authority must follow. If recommended action is not taken within a reasonable timescale, the Commission may refer the matter to the Secretary of State and the Secretary of State may give directions to the public authority.

## **Information & advice**

### **Race Relations (Northern Ireland) Order 1997 (as amended)**

10.22 People who believe that they have been discriminated against or harassed on racial grounds by an individual or

organisation responsible for the provision, sale, letting and management of housing and accommodation may get further information and advice about their rights and the legal process from the Commission. In some circumstances, complainants may be able to receive direct assistance to make a legal complaint from the Commission.

- 10.23 People who believe that they have been discriminated against or harassed on racial grounds should seek advice as soon as possible.
- 10.24 The Commission also provides information and advice to individuals and organisations responsible for the provision, sale, letting and management of housing and accommodation whether in the private or social housing sectors.

### **Section 75 of the Northern Ireland Act 1998**

- 10.25 The Commission has produced a range of guidance related to Section 75 for public authorities and others which is available on our website.
- 10.26 The website also has information about the Commission's investigation powers and about how we deal with complaints.
- 10.27 If you do not find the information you need on the website or in one of our publications, you can contact the Statutory Duty Team.
- 10.28 If you wish to make a complaint about a public body's failure to comply with its statutory duty obligations under Section 75, you should contact the Statutory Duty Investigation Team in our Strategic Enforcement Division.



## **11 Further Information, Advice & Support**

- 11.1 For further advice and information, the following organisations can be contacted. This is not an exhaustive list.

### **The Equality Commission for Northern Ireland**

Equality House  
7-9 Shaftesbury Square  
Belfast  
BT2 7DP

Enquiry Line:	028 90 890 890
Telephone:	028 90 500 600
Textphone:	028 90 500 589
Fax:	028 90 315 993
E-mail:	<a href="mailto:information@equalityni.org">information@equalityni.org</a>
Website:	<a href="http://www.equalityni.org">www.equalityni.org</a>

- 11.2 The Equality Commission provides a range of information and advisory services for service providers, educationalists, employers, employees and the general public.
- 11.3 Other useful publications relevant to race discrimination and harassment are available from the Equality Commission include:
- Code of Practice for the elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment
  - Employing Migrant Workers: A Good Practice Guide for Employers For Promoting Equality of Opportunity
  - Good Practice Guide: to Promote Racial Equality in Planning for Travellers
  - Promoting Equality in Intercultural Workplaces

- Seeking Advice and Redress Against Racism in Northern Ireland: An Information Handbook
- Racism is Illegal – You Have Rights: An Information Handbook for Northern Ireland

Available in: Polish;  
 Lithuanian;  
 Russian;  
 Portuguese;  
 Chinese; and  
 English.

- Racial Discrimination in Northern Ireland: A Short Guide
- A Wake-up Call on Race: Implications of the Macpherson Report for Institutional Racism in Northern Ireland
- Harassment & Bullying in the Workplace
- A Model Equal Opportunities Policy
- A Model Harassment Policy and Procedure

11.4 The Equality Commission produces information and advisory materials covering many aspects of equality in Northern Ireland. Further information can be found on the Equality Commission's website at [www.equalityni.org](http://www.equalityni.org).

11.5 Below is a list of organisations that may provide further information, advice and support on racial equality in the provision of housing and accommodation.

## Other statutory organisations

### Northern Ireland Housing Executive

The Northern Ireland housing Executive is the regional housing authority for Northern Ireland, under existing legislation the Executive's primary responsibilities are to:

- regularly examine housing conditions and housing requirements;
- draw up wide ranging programmes to meet these needs;
- effect the closure, demolition and clearance of unfit houses;
- effect the improvement of the condition of the housing stock;
- encourage the provision of new houses;
- establish housing information and advisory services;
- consult with District Councils and the Northern Ireland Housing Council; and
- manage its own housing stock in Northern Ireland;

The Housing Executive is the Home Energy Conservation Authority for Northern Ireland.

Please note, The Housing Council (as cited above) is made up of one representative from each of the 26 District Councils in Northern Ireland. There are three Housing Council members on the Board of the Executive who are appointed for a one year period.

Head Office  
The Housing Centre  
2 Adelaide Street  
Belfast  
BT2 8PB

Telephone: 028 90 240 588  
Website: [www.nihe.gov.uk](http://www.nihe.gov.uk)

The Executive has offices throughout Northern Ireland. For the nearest office please refer to the Executive's website or your telephone directory.

The Executive has separate telephone numbers for homelessness and for their emergency repair service. For these numbers please refer to the Executive's website or your telephone directory.

### **Labour Relations Agency**

Head Office  
2-8 Gordon Street  
Belfast  
BT1 2LG

Telephone 02890 321442  
Textphone: 02890 238411  
Fax: 02890 330827  
Email: [info@lra.org.uk](mailto:info@lra.org.uk)  
Website: [www.lra.org.uk](http://www.lra.org.uk)

Or at:

Regional Office  
1-3 Guildhall Street  
Londonderry  
Co. Londonderry  
BT48 6BJ

Telephone 02871 269639  
Fax: 02871 267729  
Email: [info@lra.org.uk](mailto:info@lra.org.uk)

**Northern Ireland Commissioner for Children and Young People (NICCY)**

Millennium House  
17-25 Great Victoria Street  
Belfast  
BT2 7BN

Telephone: 028 9031 1616  
Email: [info@niccy.org](mailto:info@niccy.org)  
Website: [www.niccy.org](http://www.niccy.org)

**Northern Ireland Human Rights Commission**

Temple Court  
39 North Street  
Belfast  
BT1 1NA

Telephone: 02890 243987  
Fax: 02890 247844  
Email: [info@nihrc.org](mailto:info@nihrc.org)  
Website: [www.nihrc.org](http://www.nihrc.org)

**The Northern Ireland Ombudsman**

Call in at: The Ombudsman's Office  
Progressive House  
33 Wellington Place  
Belfast

In Writing: Freepost BEL 1478  
Belfast  
BT1 6BR

Telephone: 0800 34 34 24 (this is a Freephone number)  
028 9023 3821 (switchboard)  
Fax: 028 9023 4912  
Email: [ombudsman@ni-ombudsman.org.uk](mailto:ombudsman@ni-ombudsman.org.uk)

**Office of the Industrial Tribunal and Fair Employment  
Tribunal**

Longbridge House  
20-24 Waring Street  
Belfast  
BT1 2EB

Telephone: 02890 327666  
Fax: 02890 230184  
Website: [www.industrialfairemployment  
tribunalsni.gov.uk](http://www.industrialfairemploymenttribunalsni.gov.uk)

**Police Service of Northern Ireland**

PSNI Headquarters

Brooklyn  
65 Knock Road  
Belfast  
BT5 6LE

Telephone: 0845 600 8000  
Fax: 028 9070 0124  
Local police: 028 9065 0222 (ask for local police)  
Website: [www.psni.police.uk](http://www.psni.police.uk)  
E-mail: [info@psni.police.uk](mailto:info@psni.police.uk)

# Housing & accommodation organisations

## Housing Rights Service

Established in 1964, Housing Rights Service has been working for 40 years on behalf of people in Northern Ireland who are homeless or in housing need.

The Housing Rights Service works to promote the rights of people who are in housing need in Northern Ireland through the provision of independent specialist services and by influencing policy to achieve decent, safe and affordable housing for all.

4<sup>th</sup> Floor  
Middleton Buildings  
10 – 12 High Street  
Belfast  
BT1 2BA

Telephone: 028 90 245 640  
(Monday to Friday: 9:30am to 1:30pm)  
Website: [www.housingadviceNI.org](http://www.housingadviceNI.org)  
[www.housingrights.org.uk](http://www.housingrights.org.uk)

## housingadviceNI

The housingadviceNI website is part of an initiative to provide reliable online housing advice and information to the United Kingdom public. In Northern Ireland, the housingadviceNI website has been developed by local agency **Housing Rights Service** in partnership with **Shelter** and is supported by the **Northern Ireland Housing Executive**.

Website: [www.northernireland.shelter.org.uk/  
advice](http://www.northernireland.shelter.org.uk/advice)

## **Northern Ireland Federation of Housing Associations**

38 Hill Street  
Belfast  
BT1 2LB

Telephone: 028 90 230 446  
Fax: 028 90 238 057  
E-mail: Contact with staff members can be  
found in the "About Us" webpage of  
their website  
Website: [www.nifha.org](http://www.nifha.org)

## **Advice & support groups**

### **AdviceNI**

Advice NI provides independent information, advice and advocacy in Northern Ireland. Advice NI supports advice organisations to deliver quality free advice. Advice NI provides information on social issues affecting individuals and their community.

1 Rushfield Avenue  
Belfast  
BT7 3FP

Telephone: 028 90 645 919  
Fax: 028 90 492 313  
Email: [info@adviceni.net](mailto:info@adviceni.net)  
Website: [www.adviceni.net](http://www.adviceni.net)

**An Munia Tober**

12 / 2 Blackstaff Complex  
77 Springfield Road  
Belfast  
BT12 7AE

Telephone: 028 90 438 265  
Fax: 028 90 436 465  
E-mail: [mail@anmuniatober.org](mailto:mail@anmuniatober.org)  
Website: [www.anmuniatober.org](http://www.anmuniatober.org)

**Belfast Islamic Centre**

38 Wellington Park  
Belfast  
BT9 6DN

Telephone: 028 90 664 465  
Fax: 028 90 913 148  
Email: [info@belfastislamiccentre.org.uk](mailto:info@belfastislamiccentre.org.uk)  
Website: [www.belfastislamiccentre.org.uk](http://www.belfastislamiccentre.org.uk)

**Chinese Welfare Association**

133-135 University Street  
Belfast  
Northern Ireland  
BT7 1HQ

Telephone: 028 90 288 277  
Fax: 028 90 288 278  
E-mail: [contact@cwa-ni.org](mailto:contact@cwa-ni.org)  
Website: [www.cwa-ni.org](http://www.cwa-ni.org)

**Citizens Advice**  
46 Donegall Pass  
Belfast  
BT7 1BS

Telephone: 028 90 231 120  
Textphone: 028 90 236 522  
Fax: 028 90 248 687  
Email: [info@citizensadvice.co.uk](mailto:info@citizensadvice.co.uk)  
Website: [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk)

This is the address of the regional office. Contact this number to find out the location of your nearest local office

**Embrace (Northern Ireland)**  
12 - 24 University Avenue  
Belfast  
BT7 1GY

Telephone: 0796 922 1328  
E-mail: [via website](http://www.embraceni.org)  
Website: [www.embraceni.org](http://www.embraceni.org)

**The Law Society of Northern Ireland**  
Law Society House  
98 Victoria Street  
Belfast  
BT1 3JZ

Telephone: 02890 231614  
Fax: 02890 232606  
E-mail: [info@lawsoc-ni.org](mailto:info@lawsoc-ni.org)  
Website: [www.lawsoc-ni.org](http://www.lawsoc-ni.org)

**Multi-Cultural Resource Centre**

9 Lower Crescent  
Belfast  
BT7 1NR

Telephone: 028 90 244 639  
Fax: 028 90 329 581  
E-mail: [info@mcrc-ni.org](mailto:info@mcrc-ni.org)  
Website: [www.mcrc-ni.org](http://www.mcrc-ni.org)

**Northern Ireland Council for Ethnic Minorities (NICEM)**

3rd Floor  
Ascot House  
24-31 Shaftesbury Square  
Belfast  
BT2 7DB

Tel: 028 90 238 645 or 028 90 319 666  
Fax: 028 90 319 485  
E-mail: [info@nicem.org.uk](mailto:info@nicem.org.uk)  
Website: [www.nicem.org.uk](http://www.nicem.org.uk)

Emergency only Asylum Advice & Support Service  
24hr telephone number: 028 90 242 025

**Victim Support Northern Ireland**

3rd Floor  
Annsgate House  
70/74 Ann Street  
Belfast  
Northern Ireland  
BT1 4EH

Telephone: 028 90 244 039  
Fax: 028 90 313 838  
E-mail: [info@victimsupportni.org.uk](mailto:info@victimsupportni.org.uk)  
Website: [www.victimsupport.org.uk](http://www.victimsupport.org.uk)

## Great Britain organisations

### **Commission for Equality and Human Rights**

Kingsgate House  
66-74 Victoria Street  
London  
SW1E 6SW

Website: [www.cehr.org.uk](http://www.cehr.org.uk)

The Equality Act 2006 establishes the Commission for Equality and Human Rights (CEHR) that will come into being in October 2007. This Code was developed prior to the full establishment of statutory body; therefore we are unable to provide the contact details for the general public.

### **Commission for Racial Equality**

Head Office  
St Dunstan's House  
201-211 Borough High Street  
LONDON  
SE1 1GZ

Telephone: 020 7939 0000  
Fax: 020 7939 0001  
E-mail: [info@cre.gov.uk](mailto:info@cre.gov.uk)  
Website: [www.cre.gov.uk](http://www.cre.gov.uk)

### **Shelter**

88 Old Street  
London  
EC1V 9HU

Advice Call: 0808 800 444  
Website: [www.northernireland.shelter.org.uk/  
advice](http://www.northernireland.shelter.org.uk/advice)

## Ireland organisations

### **Comhairle**

7th Floor,  
Hume House,  
Ballsbridge  
Dublin 4  
Ireland

Telephone: 00 353 1 605 90 00  
Fax: 00 353 1 605 90 99  
Email: [info@comhairle.ie](mailto:info@comhairle.ie)  
Website: [www.comhairle.ie](http://www.comhairle.ie)

### **The Equality Authority**

2 Clonmel Street  
Dublin 2  
Ireland

Telephone: 00 353 1 4173333  
Business queries: 00 353 1 4173336  
Textphone: 00 353 1 4173385  
Fax: 00 353 1 4173331  
Email: [info@equality.ie](mailto:info@equality.ie)  
Website: [www.equalityie](http://www.equalityie)

### **The Equality Tribunal**

3 Clonmel Street  
Dublin 2  
Ireland

Local: 1890 34 44 24  
Telephone: 00 353 1 4774100  
Fax: 00 353 1 4774141  
Email: [info@equalitytribunal.ie](mailto:info@equalitytribunal.ie)  
Website: [www.equalitytribunal.ie](http://www.equalitytribunal.ie)

**Immigrant Council of Ireland**

St Andrew Street  
Dublin 2  
Ireland

Information service: 00 353 1 674 0200  
Administration: 00 353 1 674 0202  
Fax: 00 353 1 645 8031  
E-mail: [info@immigrantcouncil.ie](mailto:info@immigrantcouncil.ie)  
Website: [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie)

**Irish Refugee Council**

Dublin Office  
88 Capel Street  
Dublin 1  
Ireland

Telephone: 00 353-1-8730042  
Fax: 00 353-1-8730088  
E-mail: [refugee@iol.ie](mailto:refugee@iol.ie)  
Website: [www.irishrefugeecouncil.ie](http://www.irishrefugeecouncil.ie)

**Migrant Rights Centre Ireland**

55 Parnell Square West  
Dublin 1  
Ireland

Telephone: 00 353 1 889 7570  
Fax: 00 353 1 889 7579  
E-mail: [info@mrci.ie](mailto:info@mrci.ie)  
Website: [www.mrci.ie](http://www.mrci.ie)

**NCCRI**

General Office  
Third Floor  
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Telephone: 00 353 1 8588000  
Fax: 00 353 1 8727621  
E-mail: [info@nccri.ie](mailto:info@nccri.ie)  
Website: [www.nccri.ie](http://www.nccri.ie)

Dundalk office  
Bantry House  
3 / 5 Jocelyn Street  
Dundalk  
Co Louth  
Ireland

Telephone: 00 353 42 935 2730

**Pavee Point Traveller Centre**

46 North Great Charles Street  
Dublin 1  
Ireland

Telephone: 00 353 1 8780255  
Fax: 00 353 1 8742626  
E-mail: [info@pavee.iol.ie](mailto:info@pavee.iol.ie)  
Website: [www.paveepoint.ie](http://www.paveepoint.ie)



## **12 List of Examples & Good Practice**

<b>1 Introduction.....</b>	<b>1</b>
Race discrimination & harassment legislation in Northern Ireland.....	1
The Code of Practice.....	3
Status of the Code.....	4
References used in this Code .....	4
Examples in the Code .....	7
Changes to the law.....	8
The structure of the Code.....	8
Further information .....	10
<b>2 Explaining the Law .....</b>	<b>13</b>
Introduction.....	13
Racial discrimination .....	14
Example 1 – Direct discrimination .....	14
Example 2 – Indirect discrimination – On the grounds of race or ethnic or national origins.....	15
Example 3 – Indirect discrimination on the grounds of colour or nationality - I .....	17
Example 4 – Indirect discrimination on the grounds of colour or nationality - II .....	17
Victimisation .....	19
Example 5 – Victimisation - I .....	20
Example 6 – Victimisation - II .....	20

<b>Harassment</b> .....	<b>21</b>
Example 7 – Harassment - I .....	22
Example 8 – Harassment - II .....	23
<b>Segregation</b> .....	<b>23</b>
Example 9 – Segregation - I .....	24
Example 10 – Segregation - II .....	24
<b>Institutional racism</b> .....	<b>25</b>
<b>Public authorities</b> .....	<b>25</b>
<b>Provision of goods, facilities or services</b> .....	<b>26</b>
Example 11 - Direct discrimination in facilities and services - I .	27
Example 12 - Direct discrimination in facilities and services - II	28
<b>Discriminatory advertisements</b> .....	<b>29</b>
<b>Selling or letting of premises</b> .....	<b>29</b>
Example 13 - Direct discrimination in the sale of owner-occupied housing - I.....	30
Example 14 - Direct discrimination in the sale of owner-occupied housing - II.....	30
Example 15 - Direct discrimination in the letting of rented accommodation - I .....	31
Example 16 - Direct discrimination in the letting of rented accommodation - II .....	31
Example 17 - Direct discrimination in the letting of sites .....	32
<b>Management of accommodation</b> .....	<b>32</b>
Example 18 - Direct discrimination in the management of accommodation - I .....	33
Example 19 - Direct discrimination in the management of accommodation - II .....	33

<b>Instructions or pressure to discriminate or to cause harassment .....</b>	<b>34</b>
Example 20 - Instructions or pressure to discriminate or cause harassment.....	34
<b>Aiding unlawful acts.....</b>	<b>35</b>
Example 21 – Aiding unlawful acts .....	35
<b>After a relevant relationship has come to an end.....</b>	<b>36</b>
Example 22 – After a relevant relationship has come to an end - I.....	37
Example 23 - After a relevant relationship has come to an end - II.....	37
<b>Exceptions to the prohibition on racial discrimination.....</b>	<b>38</b>
Example 24 – A proportionate means of achieving a legitimate aim .....	41
Example 25 – Special needs of racial groups.....	46
<b>3 Good Practice in the Provision of Housing &amp; Accommodation .....</b>	<b>47</b>
<b>4 Promoting Good Practice in Housing Policy &amp; Strategy.....</b>	<b>53</b>
Introduction.....	53
Development & implementation of an inclusion strategy.....	54
Assess the impact of the Order & other equality legislation..	55
Development of inclusive policies & procedures, including racial equality in housing strategies .....	56
Consult on all policies, practice & procedures .....	59
Communicate all policies, practices & procedures.....	59
Allocate responsibility for all policies, practices & procedures	61

<b>Provide training &amp; guidance on all policies, practices &amp; procedures .....</b>	<b>62</b>
<b>Monitoring &amp; review of all policies, practices &amp; procedures..</b>	<b>64</b>
<b>5 Providing New Accommodation .....</b>	<b>73</b>
<b>Assessing &amp; prioritising accommodation requirements .....</b>	<b>74</b>
<b>Type, size &amp; design of accommodation .....</b>	<b>77</b>
<b>Providing accommodation for specific racial groups.....</b>	<b>78</b>
Good Practice 1 - Providing housing for Chinese elders .....	79
<b>Ensuring meaningful consultation .....</b>	<b>80</b>
Good Practice 2 - Provision of group housing for Irish Travellers	81
<b>Dealing with objections .....</b>	<b>83</b>
Example 26 - Pressure to discriminate in planning to meet specific needs - I.....	85
Example 27 - Pressure to discriminate in planning to meet specific needs - II.....	85
<b>Getting the context right.....</b>	<b>86</b>
<b>Getting the design right.....</b>	<b>86</b>
<b>Specific accommodation for Irish Travellers.....</b>	<b>87</b>
<b>Making progress.....</b>	<b>88</b>
<b>6 Selling &amp; Letting Accommodation .....</b>	<b>91</b>
Example 28 - Racial discrimination in the letting of accommodation .....	91
<b>Giving information about options.....</b>	<b>92</b>
<b>No justification for direct discrimination .....</b>	<b>93</b>
<b>Informing potential tenants &amp; purchasers in areas with a history of racial harassment.....</b>	<b>94</b>

<b>Setting quotas or targets .....</b>	<b>95</b>
Example 29 – Quota setting – direct discrimination.....	95
Example 30 – Quota setting – indirect discrimination .....	96
<b>Avoiding segregation.....</b>	<b>97</b>
Example 31 – Segregation in a single accommodation facility ..	98
<b>Using discretion .....</b>	<b>98</b>
Example 32 - Direct discrimination in the letting of rented accommodation - I .....	99
Example 33 - Direct discrimination in the letting of rented accommodation - II .....	99
<b>Specific housing sector issues.....</b>	<b>100</b>
Example 34 - Indirect discrimination in the letting of accommodation and in the provision of mortgages - I .....	100
Example 35 - Indirect discrimination in the letting of accommodation and in the provision of mortgages - II .....	101
Example 36 – Blanket exclusions - I.....	103
Example 37 - Blanket exclusions - II.....	103
Example 38 – Blanket exclusions – III .....	104
Example 39 – Rent guarantees and financial arrangements...	105
Example 40 – Avoiding discrimination in letting schemes .....	108
Example 41 - Indirect discrimination in the letting of social housing - I.....	110
Example 42 - Indirect discrimination in the letting of social housing - II.....	111
Good Practice 3 - Facilitating better relationships .....	114
<b>7 Managing Accommodation.....</b>	<b>115</b>

<b>Understanding rights &amp; responsibilities .....</b>	<b>115</b>
Example 43 - Direct discrimination concerning written tenancy agreements.....	116
<b>Setting &amp; collecting rents .....</b>	<b>117</b>
Example 44 - Direct discrimination in rent setting & collection	117
<b>Maintaining &amp; improving the housing stock.....</b>	<b>118</b>
Example 45 - Indirect discrimination in maintenance services - I120	
Example 46 - Indirect discrimination in maintenance services - II120	
<b>Enforcing standards in privately rented housing.....</b>	<b>121</b>
<b>Tackling anti-social behaviour &amp; dealing with disputes .....</b>	<b>122</b>
<b>Involving service users.....</b>	<b>124</b>
<b>Protecting tenants from landlord harassment &amp; illegal eviction</b>	<b>126</b>
<b>Ensuring comparability of rights for Irish Travellers .....</b>	<b>126</b>
<b>Managing unauthorised Irish Traveller encampments .....</b>	<b>128</b>
<b>Removing unauthorised encampments .....</b>	<b>131</b>
<b>8 Creating Safe &amp; Inclusive Neighbourhoods. 135</b>	
<b>Fostering good relations .....</b>	<b>136</b>
Good Practice 4 - Promoting cultural understanding .....	140
<b>Tackling racial harassment .....</b>	<b>143</b>
Good Practice 5 - Government Agency .....	144
Example 47 - Indirect racial discrimination: Paying removal expenses .....	145
Good Practice 6 - Target hardening .....	147
Good Practice 7 - Monitoring incidents.....	148

Good Practice 8 - Working in partnership to develop a joint hate crimes protocol. .... 150

**9 Giving Information & Advice ..... 153**

**Ensuring people are aware of services ..... 153**

**Written information ..... 154**

Good Practice 9 - Communicating with people whose first language is not English..... 155

**Other methods of communication ..... 156**

**Interpreting..... 157**

**Helping newly arrived groups ..... 158**

**Using community resources ..... 158**

**Employing outreach workers ..... 159**

**10 Resolving Disputes ..... 161**

**Making a complaint ..... 161**

**Internal complaints procedures of housing & accommodation organisations ..... 162**

**Legal & statutory remedies ..... 163**

**Information & advice ..... 164**

**11 Further Information, Advice & Support ..... 167**

**Other statutory organisations ..... 169**

**Housing & accommodation organisations ..... 173**

**Advice & support groups..... 174**

**Great Britain organisations ..... 178**

**Ireland organisations ..... 179**

**12 List of Examples & Good Practice ..... 183**

<b>Policies, research &amp; guidance publications .....</b>	<b>191</b>
<b>Further reading .....</b>	<b>191</b>

## Appendix

### **Policies, research & guidance publications**

“Assessing Black and Minority Ethnic Housing needs” published the Housing Corporation

“The Good Practice Guide to Promote Racial Equality in Planning for Travellers” published by the Equality Commission and Traveller Movement NI

“The Design Guide for Traveller Accommodation issued by the Department of the Environment in 1997

“A Response to the Recommendation in the Promoting Social Inclusion Working Group Report on Travellers” issued by the Office of First Minister and Deputy First Minister,

Northern Ireland Housing Executive (2006) *An equality impact assessment of the Housing Selection Scheme,*

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### **Further reading**

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Perry, John (2005) Housing and support services for asylum seekers and refugees: A good practice guide, London: Chartered Institute of Housing in association with the Joseph Rowntree Foundation and the Housing Associations Charitable Trust.





# How can we help?

The Equality Commission for Northern Ireland can give advice and information on the Race Relations (Northern Ireland) Order 1997 as amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 through training, telephone and textphone advice, booklets and leaflets or we can meet with you.

For further information, please contact us at:

Equality Commission for Northern Ireland  
Equality House  
7-9 Shaftesbury Square  
Belfast  
BT2 7DP

Telephone: 028 9050 0600  
Textphone: 028 9050 0589  
Fax: 028 9024 8687  
Email: [information@equalityni.org](mailto:information@equalityni.org)  
Website: [www.equalityni.org](http://www.equalityni.org)

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