



## **Response to NIHE Draft Section 75 Audit of Inequalities and Action Plan**

**August 2012**

### **Executive Summary**

1. In summary, as highlighted at our recent meeting, we **welcome** the fact that the NIHE has:-
  - as recommended, carried out an audit of inequalities and prepared a draft Section 75 action plan;
  - summarised in its draft action plan the key inequalities identified and the actions it proposes to take;
  - included in its draft action plan actions aimed at; promoting good relations; increasing the uptake of its services by under-represented Section 75 groups; increasing the participation of Section 75 groups in public life; and addressing inequalities in employment.
  
2. We **recommend** that the NIHE:-
  - sets out more clearly in its action plan the timescale for the completion of certain proposed actions; as well as the overall timescale of the action plan;
  - includes performance indicators in its action plan in order to indicate the clear outcomes to be achieved;
  - takes steps to make the action plan more accessible;
  - considers what further action it can take to:-
    - address inequalities faced by those with multiple identities;
    - promote equality of opportunity and good relations through its procurement practices;

- meet the standards and obligations placed on the UK Government under the UNCRPD;
- considers additional actions to meet the accommodation needs of Travellers, including through the provision of transit sites;
- takes steps to address prejudicial attitudes towards Travellers, disabled and LGBT people.

## Introduction

3. The Equality Commission for Northern Ireland has set out below its views on the draft Section 75 audit of Inequalities and action plan of the Northern Ireland Housing Executive ('the NIHE'). Further details on the scope of the Commission's remit, duties and expertise are contained in Annex 1.
4. We welcome the fact that the NIHE has, as recommended, carried out an audit of inequalities and prepared a draft Section 75 action plan. We also welcomed the opportunity to meet with you in order to discuss our response to the draft audit and action plan in more detail.
5. As you are aware, the Commission is keen to ensure that public authorities focus on their duties in such a way that allows them to demonstrate that the actions they take have tangible outcomes for those affected by the discharge of their functions. To further this intention, the Commission has forwarded to the NIHE and other public authorities an advice note that further sets out our advice on this matter.<sup>1</sup> At our meeting, we also drew your attention to a further recent advice note from the Commission on undertaking an audit of inequalities.<sup>2</sup>
6. Given the issues that were discussed with you at our meeting, and in light of the Commission's intentions behind the recommendations as

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<sup>1</sup> *Realising Outcomes from Section 75 Equality Duties: Advice to Public Authorities*, 2011, <http://www.equalityni.org/archive/pdf/RealisingOutcomes/pdf>

<sup>2</sup> *Advice to public authorities on undertaking an audit of inequalities*, 2012 [http://www.equalityni.org/archive/word/Public\\_Authorities\\_Audit\\_of\\_Inequalities\\_Mar12.docx](http://www.equalityni.org/archive/word/Public_Authorities_Audit_of_Inequalities_Mar12.docx)

set out in the advice notes, we recommend the following changes to the draft audit and action plan.

## Recommendations

### Timescales

7. While some of the actions in the draft action plan contain indicative timescales, many of the actions do not have a clear associated timescale. We therefore **recommend** that there is a separate column in the draft action plan setting out the timescale for each proposed action.
8. In addition, we **recommend** that the NIHE clearly sets out the overall timescale of the draft action plan, so that it is clear when the current action plan expires and a new action plan is required. We are, however, aware that the functions of the NIHE, and therefore the actions it can commit to over a certain timespan, may change following the outcome of the Department of Social Development (DSD) review of the NIHE.

### Performance indicators

9. As recommended in the Commission's revised Section 75 Guide,<sup>3</sup> we **recommend** that NIHE includes performance indicators for the delivery of action measures in its Section 75 action plan. The Commission's advice note (March 2011) sent to the NIHE and other public authorities recommends that clear goals (intended impacts) and outcomes to be achieved are clearly set which will address or ameliorate inequalities identified and promote good relations.
10. The NIHE has referred in its draft action plan to a range of individual action plans that promote equality for a number of Section 75 groups; for example, older people. We **recommend** that the NIHE reviews these action plans in order to ensure that, in addition to actions, they identify **clear outcomes** for the Section 75 group in question.

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<sup>3</sup> Section 75 of the Northern Ireland Act 1998: A Guide for Public Authorities, ECNI, April 2010, [www.equalityni.org](http://www.equalityni.org)

## **Accessibility**

11. In order to make the final Section 75 action plan more accessible, we **recommend** the NIHE includes website links to its key strategies and action plans; for example, its *Good Relations Strategy*, its *Homeless Strategy in Northern Ireland*, its *Older People Housing Review Action Plan*, its *Disability Action Plan*, its *Community Involvement Strategy* and the *Supporting People Strategy* once finalised.
12. In addition, in order to improve accessibility, we **recommend** that certain terms used within the draft action plan are made clearer. For example, the draft action plan refers to developing an “assets-based regeneration model that aims to achieve good relations outcomes from NIHE resources”. It is not clear to the reader what an “assets-based regeneration model” is and we recommend the action plan gives a clear indication of what this refers to.

## **Multiple identities**

13. We note that the NIHE has set out in its accompanying information in the appendix some data relating to multiple identities; for example, ethnic origin and gender of households with wheelchair users.
14. We recommend that the NIHE makes it clearer in its draft Section 75 audit and action plan the inequalities it has identified, and the actions it proposes to take, in relation to client groups with multiple identities; for example, older black minority ethnic (BME) people.
15. We are aware, for example, from the *Older People Housing Policy Review Action Plan 2008-2010* that research into the effectiveness of housing accommodation and services for older BME client groups was to be commissioned. We recommend that the action plan makes it clearer if that research has been finalised, what key inequalities exist and what action is proposed following on from the research recommendations.

## Good relations

16. We welcome the inclusion in the draft action plan of a wide range of measures to promote good relations; including within the social housing programme and the actions relating to the *Building relationships in communities programme* and *Shared communities programme* in terms of promoting shared neighbourhood housing areas.
17. We also welcome the proactive work of the NIHE in terms of its ensuring fair participation in its employment and recruitment practices and procedures and we will work closely with the NIHE in developing and implementing its affirmative action plan.
18. As highlighted above, we **recommend** the action plan makes it clearer how this proactive work is monitored and reviewed and the outcomes it achieves for BME groups and the different religious communities.

## Procurement

19. We **recommend** that the NIHE considers measures it can take to promote equality of opportunity and good relations through its procurement practices.
20. We refer you to the recommendations in the Equality Commission's *Guidance on Public Sector Procurement*, which was produced in conjunction with the Department of Finance and Personnel.<sup>4</sup>
21. The guidance sets out how public authorities can, through their procurement practices, promote equality of opportunity and good relations. In addition, we recommend that Invest NI ensures that robust practices and systems are put in place to effectively monitor equality and good relations outcomes associated with its procurement practices.

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<sup>4</sup> Equality of Opportunity and Sustainable Development in Public Sector Procurement, ECNI Central Procurement Directive, 2008 available at [www.equalityni.org](http://www.equalityni.org)

## **Disability**

22. As regards key inequalities identified facing disabled tenants, the NIHE has indicated that “the overall annual provision of new build social housing falls considerably short of assessed needs of disabled applicants”.
23. Whilst we welcome the proposal, subject to DSD approval, to include “some baseline wheelchair standard housing in new schemes based on NIHE waiting list data and GIS mapping data of new wheelchair users”, it is not clear that the action suggested will address the shortfall identified.
24. We welcome the commitment to develop an accessible housing register providing an overview of accessible social housing stock in Northern Ireland; as recommended as part of the interdepartmental review of housing adaptations. We also welcome the proposed extension of the register to both NIHE property and housing association property.
25. We are aware that disabled people and their representatives have been calling for action in this area for almost a decade.<sup>5</sup> The NIHE will be aware that this measure has a close correlation with the needs of older people and will therefore have an impact on individuals with multiple identities (such as older, disabled people).
26. We note from the draft action plan that DSD proposes to undertake a consultation on the findings and recommendations arising out of the interdepartmental review of housing adaptations later this year. As set out in our recent response to the OFMDFM draft disability Strategy, in general, the Commission recommends a cross-departmental, joined-up and strategic approach to ensure effective delivery of independent living programmes for disabled people. The Commission will liaise with the NIHE and DSD in relation to forthcoming consultation.

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<sup>5</sup> Setting the Agenda – Disability Action Conference, 2003

27. We further welcome the proposed action in the draft action plan to raise building regulations in the private sector to lifetime home standards. This is an important action that will benefit not only disabled people but older people.
28. As highlighted in our recent response to the OFMDFM consultation on a draft Disability Strategy, the Equality Commission has previously recommended the need to adopt lifetime home/wheelchair accessible standard housing across the public and private housing sector in order to provide increased choice and better access to improve quality of life for disabled people.
29. As regards proposed actions, the NIHE has also highlighted that “funding for housing adaptations need to be maintained/increased to reflect demographic trends overtime, as any reduction will exasperate waiting lists for existing accessible housing.”
30. We support continued funding for housing adaptations and it is important that the NIHE ensures that the needs of disabled people are met, particularly in the current economic climate, and we await the outcome of the cross-departmental review as regards the specific timeline and actions in this area.
31. We note that the Executive is currently working on the development of a new *Supporting People Strategy* and is awaiting the outcome of a DSD review of the Supporting People commissioning process. We await the NIHE consultation in relation to this draft Strategy and will liaise further with the NIHE in relation to the same.
32. In the interim, we would also draw the NIHE’s attention to the findings relating to the *Supporting People* programme in the ECNI commissioned research *Disability Programmes and Policies: How does Northern Ireland Measure Up*<sup>6</sup>.
33. As highlighted in our recent response to the draft OFMDFM Disability Strategy, in particular, this research indicates that a 2010 review of the *Supporting People* programmes across the UK revealed that

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<sup>6</sup> *Disability Programmes and Policies: How Does Northern Ireland Measure Up?*, Disability Action commissioned by the Equality Commission, 2012, [www.equalityni.org](http://www.equalityni.org).

there is “a lack of robust, peer-reviewed research evidence which explores the impact in terms of outcomes for service users, as well as the effectiveness of different types of programme administration/funding in terms of the ability of service providers to meet the housing-related needs of vulnerable adults.”

34. It will be noted that the research concluded that “in view of the evidence on access to information and the potentially lower uptake of services for certain types of disability contained in Article 9, further research is recommended on the impact of the Supporting People (SP) programmes for disabled people.”
35. In bringing forward its new Supporting People strategy, we **recommend** that the NIHE considers the recommendations highlighted in this recent report.

### **Reflect UNCRPD standards**

36. The Commission, along with the Northern Ireland Human Rights Commission, has been designated under the UN Convention on the Rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the UNCRPD Northern Ireland.
37. We **recommend** that the NIHE **references** the UNCRPD in its audit of inequalities and **considers** what further steps it can take in order to ensure that the obligations placed on the UNCRPD are complied with; see, in particular, the obligations under **Article 19**, the right of disabled people to live independently, and **Article 28**, the right to an adequate standard of living and social protection.
38. Article 19 of the UNCRPD recognises the rights of disabled people to live in the community, with choices equal to others. In particular it places obligations on State Parties to ensure that disabled people have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.



39. In addition, Article 28 recognises the rights of disabled people to adequate standard of living for themselves and their families including adequate food, clothing and housing and to the continuous improvement of living conditions. This includes measures to ensure access by disabled people to public housing programmes.
40. A copy of the UNCRPD is available on the Commission's website.
41. In addition, the Equality Commission has recently published independent research *Disability Programmes and Policies: How does Northern Ireland Measure Up?*<sup>7</sup> This research presents evidence of areas of substantial shortfalls in public policy and programme delivery in Northern Ireland relative to the key requirements of the UNCRPD. The research identified three key areas for action; awareness raising, participation in public and political life and access to information and statistics and data collection.
42. We welcome the proactive steps that the NIHE has taken to promote the participation of disabled in public life; including, for example, through the creation of a disability forum.
43. As regards promoting positive attitudes towards disabled people, we **recommend** that the NIHE considers the extension of its current Shared Neighbourhood Charter to other Section 75 groups, including disability.
44. It is of note that the Equality Commission's recent *Equality Awareness Survey 2011* shows that there is evidence of increasing negative attitudes towards disabled people. Negative attitudes towards people experiencing mental ill health has increased in comparison with other equality groups.<sup>8</sup> In addition, as highlighted in our recent response to the OFMDFM draft disability Strategy, hate crime against disabled people is a significant and persistent problem that has been largely unacknowledged.

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<sup>7</sup> *Disability Programmes and Policies: How Does Northern Ireland Measure Up?*, Disability Action commissioned by the Equality Commission, 2012, [www.equalityni.org](http://www.equalityni.org)

<sup>8</sup> Do you mean me? Discrimination: Attitudes and Experience in Northern Ireland – Equality Awareness Survey 2011, commissioned by ECNI, [www.equalityni.org](http://www.equalityni.org).

45. As set out in the research *Disability Programmes and Policies*, the availability of robust data, information and statistics is central to evidence based policy making and to an effective monitoring process under Article 33 of the UNCRPD. Article 31 identifies the purpose of data and statistics collection and outlines the standards to be used for the collection, and maintenance and use of this information.
46. The NIHE will note that one of the findings of the research in relation to the statistical and data requirements of the UNCRPD, is that statistics on policies and programmes were very rarely disaggregated to give information on persons with disabilities or on the **type of disability**.
47. The research further commented that it was 'currently extremely difficult to measure the effectiveness of government policies in relation to people with disabilities' and this was 'due to a lack of co-ordinated and effective monitoring to quantify the impact of policy change'. The research also highlighted difficulties in that systems were not monitored or policed and where information was available, it was not readily accessible or available in formats required by disabled people.
48. In light of this, we **recommend** that the NIHE considers whether further steps are necessary in order to improve its data collection and analysis **relating to disabled people** so as to ensure that it can effectively monitor and review the impact of its proposed changes to welfare benefits.

## **Race**

49. We welcome the proactive steps that the NIHE have already taken in relation to addressing race inequalities. In addition we support the range of actions proposed by the NIHE in its draft action plan in order to ensure greater strategic engagement with different racial groups. We welcome the creation of the BME Housing Forum, as well as the training events and the NIHE's contribution to range of cross-departmental working groups dealing with racial issues.

## ***Accommodation needs of travellers***

50. We note that the NIHE has indicated that “although progress has been made on accommodation for Traveller families, we still have not been able to secure transit sites in a number of key geographical areas.”
51. We note that none of the proposed actions in the draft plan specifically aim to address this gap in provision and **recommend** further steps are taken to secure transit sites.
52. We welcome the proposed action to carry out a third comprehensive Traveller Accommodation Needs Assessment in 2013. It is essential that following that assessment, there is a commitment to taking specific actions to address and identify the needs of Travellers and in line with the Commission’s Section 75 advice note, set goals, (intended impacts) and outcomes to be achieved which will address or ameliorate the inequalities identified.
53. In carrying out this assessment, we would draw the NIHE ’s attention, in particular, to a number of recommendations both from domestic research and from international human rights monitoring bodies that have set out a series of recommendations for the UK Government in relation to meeting the accommodation needs of travellers and Gypsies.
54. Firstly, the recommendations and findings of the research *Outlining minimum standards for Traveller Accommodation* commissioned by the Equality Commission. This research highlighted the considerable delays and obstacles in the development of new sites. The report also recommended that the “development of transit sites should proceed as a matter of urgency”.
55. The NIHE will note that one key recommendation in this report is that DSD plays a lead role in driving forward multi-agency working in this area.
56. It is clear that a number of initiatives are being taken forward in other parts of the UK; including the setting up a Ministerial commission to tackle the difficulties faced by Gypsies and Travellers in England and

Wales, and the development of a national strategy for Gypsies and Travellers in Wales.

57. In addition, the recent *Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the UK*<sup>9</sup>, included recommendations relating to meeting the accommodation needs of Travellers.

58. It will be noted that the Advisory Committee urged authorities at national and regional level to take far more vigorous measures to meet the accommodation needs of Gypsies and Travellers. In particular they recommended the development of gender-sensitive and comprehensive strategies, in close consultation with Gypsies and Travellers. It also recommended improved co-ordination of the different levels of authorities involved in site delivery and regular monitoring of the accommodation needs of Gypsies and Travellers.

59. We draw the NIHE's attention to the Advisory Committee's **specific concern** that the NIHE has "reportedly not met the objectives, identified in repeated needs assessment, in terms of setting up of sites." They also noted that "the need for the Housing Executive to obtain licences from local councils in order to deliver new sites seems to be one of the reasons for this lack of delivery."

60. In terms of initiatives, the Advisory Committee recommended raising awareness, through training for local authorities on the specific needs of Gypsies and Travellers so as to develop awareness and leadership at local level on these issues.

61. The recent *Concluding observations on the UK of the Committee for the Elimination of Racial Discrimination (CERD)* also recommended greater actions to provide adequate accommodation, including transit sites for Gypsies and Travellers.

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<sup>9</sup> Opinion on the UK, Advisory Committee on the Framework Convention for the Protection of National Minorities, 30 June 2011

62. In addition, the *Concluding observations of the UN Committee on the Rights of the Child*<sup>10</sup>, set out recommendations relating to ending child poverty, supporting families in most need of support and addressing poverty and the standard of living of Traveller children.

63. Finally, the *All Ireland Traveller Health Study*, highlights the impact of poor quality accommodation on mental health and well-being of Travellers<sup>11</sup>.

- ***Prejudicial attitudes towards travellers***

64. We would also draw the NIHE's attention to the **increasing hostility** towards Travellers. In particular, the recent Equality Awareness Survey 2011, has highlighted that 54% (approximately 1/2) of respondents indicated that they minded having a traveller as a neighbour.

65. We welcome the NIHE's proposed action to explore training needs in relation to understanding the impact of racial harassment. Pursuant to its goods relations duty under Section 75 (2) of the Northern Ireland Act 1998, we **recommend** that the NIHE takes steps to tackle **prejudicial attitudes towards Travellers** and promote positive relations between settled communities and Travellers.

### **Migrants and asylum seekers**

66. We welcome the proposed NIHE action to 'explore the support needs of refugees, including the provision of advice and information.'

67. We would draw the NIHE's *attention to the recommendations of the Advisory Committee* on the Framework Convention for the Protection

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<sup>10</sup> Concluding observations of the UN Committee of the Rights of the Child, on the UK, October 2008

<sup>11</sup> All Ireland Traveller Health Study, R. Geels, Summary of Findings, DHSSPS and Others, September 2010, [www.dhsspsni.gov.uk](http://www.dhsspsni.gov.uk)

of National Minorities, which recommended that ‘authorities pay particular attention to the situation of migrants and asylum seekers belonging to minority ethnic communities and to take measure to eliminate destitution and avoid homelessness among these persons.’

68. In its report, the Advisory Committee indicated that it deplored the recent cuts in provision of support to asylum-seekers in England, Wales and Northern Ireland. It asked authorities to consider adopting measures to address the situation of migrants who slip through the social protection net and avoid cases of destitution and homelessness.
69. In light of these comments, we **recommend** NIHE identifies specific clear actions to address the concerns raised by the Advisory Committee.

### **Sexual Orientation**

70. We welcome the NIHE proposed continued support, along with BCC and the PSNI, for the provision of an advocacy worker within the Rainbow Project. We further welcome the proposal to continue training for its Customer Service Unit on LGBT issues.
71. We **recommend** that the NIHE, particularly in the context of the proposed cross- departmental sexual orientation strategy and action plan, considers what further steps it can take to tackle prejudicial homophobic attitudes towards LGBT individuals, both within the workplace and in local communities.
72. This can include increasing awareness amongst tenants of the barriers experienced by LGBT people, greater engagement with the LGBT sector on the housing issues they face, reviewing key Strategies and action plans, such as the Homeless Strategy, in order to ensure LGBT housing issues are captured and addressed; reviewing its data sources (including internal and external surveys) in

order to identify gaps in data relating to sexual orientation and gender identity.

73. LGB individuals can be subject to homophobic abuse and violence in their local communities and also find themselves homeless due to domestic violence or a lack of acceptance of their sexuality by their families or local communities.

74. We refer you to our recent Equality Awareness Survey 2011, which highlighted that 27% (over 1/5) of respondents indicated that they minded having a LGB person as a neighbour. There were even higher levels of prejudice against transsexual people with 40% of respondents indicated that minded having a transsexual person as a neighbour.

75. The level of prejudice against LGB individuals is highlighted by the nature and degree of hate crime on the grounds of sexual orientation. For example, between 1 April 2010 to 31 March 2011, 137 homophobic crimes were recorded.<sup>12</sup> It will be also noted that there were 211 homophobic incidents recorded.

76. In addition, Commission enquiries, as well as cases we have supported, highlight the need to tackle homophobic harassment in the workplace. Proactive measures can include, for example, the creation of LGBT staff networks, raising awareness of LGBT issues through the provision of training across all staff, the development of LGBT workplace practices and the sharing of good practice.

### **Older People**

77. In relation to the key inequalities facing older people and housing, the NIHE has referred to its Older People Policy Review and Research Programme. We are aware that the NIHE had an *Older People Housing Policy Review Action Plan 2008-2010*. We note that the

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<sup>12</sup> Trends in hate-motivated incidents and crime recorded by the Police in Northern Ireland 2004/05 - 2010/11, PSNI, July 2011

NIHE has indicated that “older people issues are now mainstreamed within the *Supporting People* Programme set out in this report.”

78. We are also aware that in November 2010, further research was commissioned by the NIHE into the future need and demand for appropriate models for accommodation and associated services for older people. We **recommend** that the NIHE makes it clear, in light of the research findings, whether additional actions are now proposed in order to meet the housing needs of older people.

### **Children and Young People**

79. We welcome the proposed commitment to consider further actions to promote the participation/engagement of children and young people. In taking forward further actions, we **recommend** that the NIHE adopt best practice recommended by the Commission’s *Guidance for public authorities on consulting with children and young people*.<sup>13</sup>

80. We also bring to your attention the report *Barriers to Effective Government; Delivery for Children in Northern Ireland* commissioned by NICCY, which highlighted that in relation to strategies, policies and action plans on children and young people that there are ‘instances of significant time lags between the issue of consultation documents to the issue of the final document and subsequent plans for action and implementation.’

81. This report also highlighted as regard such strategies, policies and action plans, inconsistencies in their approach in terms of implementation, monitoring and evaluation of progress. Finally, it raised concerns that there was ‘a failure to link various strategies with each other, as appropriate, as a means of maximising impact and outcomes for children.’

**17 August 2012**  
**Equality Commission**

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<sup>13</sup> *Lets Talk, Lets Listen, Guidance for Public Authorities and Consulting and Involving Children and Young People*, ECNI, 2008, [www.equalityni.org](http://www.equalityni.org)