

**Equality Commission**

FOR NORTHERN IRELAND

**EQUALITY COMMISSION FOR NORTHERN IRELAND  
Consultation response**

**June 2015**

**Proposals for a new regulatory framework for social housing providers**

**Introduction**

We welcome the opportunity to respond to your consultation, *Proposals for a new regulatory framework for social housing providers in Northern Ireland*.

The Equality Commission's vision is of a society where there is fairness and equality for all. We recognise that this will require the sustained and committed efforts of many to achieve change, particularly change to the situation and experience of disadvantaged groups and individuals.

The Commission views housing as a priority area, as the Department will know from our response to *Facing the Future: Northern Ireland Housing Strategy 2012-2017* in December 2012. We noted in that response the importance of getting the structures right. Social housing plays a crucial role in providing affordable accommodation to many of those falling within Section 75 categories including those with specialist needs, but demand outstrips supply. It is essential that the regulatory framework can effectively address the needs of tenants and prospective tenants, including the full range of Section 75 categories. Housing is a fundamental matter in people's lives – affordability, safety, security and access can determine the future health and well-being of both adults and children.

**Scope of the current consultation**

The regulatory framework as set out will apply initially only to housing associations which provide 38,000 social housing properties. It will not immediately apply to the Northern Ireland Housing Executive, which provides 88,000 social housing properties. Although a consultation is planned on the role and regulation of the private rental sector, it is currently unregulated and will not be covered by the proposed framework. It supplies around 70% of social housing at a significant public cost. We welcome the proposed introduction of regulation to this sector.

**1. Do you agree the standards in the revised Regulatory Framework should cover three areas i.e. Consumer, Governance and Financial?**

The focus of the regulatory framework, as stated in the consultation document, is on protecting and empowering tenants. This focus must be a priority in each of the three areas.

We hope that the proposed change in regulatory framework will not detract from tackling the limitations in current housing provision, and designated housing providers' duties under equality law to tackle them. These include:

- The shortfall in social housing provision for disabled people, and limited suitable supported housing for disabled, vulnerable and older people.
- The lack of recognition of the accommodation needs of carers, and for parents separated from their children who may need to accommodate them.
- The severe undersupply of decent, culturally sensitive accommodation for Travellers.
- The barriers which certain groups face, particularly from black and minority ethnic groups, when trying to access social housing, and the lack of appropriate housing stock which may lead to overcrowding.

**2. Where social housing providers demonstrate the standards set out in this consultation it will provide stakeholders with assurance on the effective and appropriate operation of their businesses. Do you agree?**

The Department should ensure that the standards maximise equality of opportunity and good relations. In this regard, we would welcome inclusion of the following:

- An explicitly stated responsibility to ensure that accommodation is available which meet the needs of tenants and potential tenants, particularly those related to Section 75 categories.
- Inclusion of references to social housing providers' equality and good relations duties under Section 75 and the DDO.
- Commitment to ensuring delivery of obligations placed on government under international treaties including the UNCRPD.
- The governance standard should refer explicitly to their commitment to the equality and good relations duties.
- The consumer standard should explicitly refer to needs beyond those of disabled people and vulnerable adults to include the full range of Section 75 categories, for example, needs due to race, caring responsibilities and multiple identities.
- The consumer standard should recognise that tenants may require assistance to be able to participate in decision-making processes. It should also recognise that not all tenants may want to participate. Meeting the needs of equality and anti-discrimination legislation cannot be delegated and responsibility lies with the social housing provider, irrespective of the level of tenant participation. Further guidance can be found in *Equality of Opportunity and Sustainable Development in Public Sector Procurement* (2008) (ECNI and DFP)

- Page 18 of the consultation document notes that ‘tenants’ key consideration was that the regulatory regime provides assurance and confidence in the services provided to them.’ The regulatory framework can provide this assurance by maintaining a focus of mainstreaming equality of opportunity and good relations duties.
- The guidance produced by the regulator should include a focus on leadership with specific reference to equality of opportunity and good relations and fulfilling statutory equality obligations.

**3. Do you agree that the regulator should provide a rating covering each standard (Consumer, Governance and Financial)?**

Aligned to our remit, we encourage a system that meets best practice and facilitates the mainstreaming of equality of opportunity and good relations.

**4. Regulation should be flexible enough to allow the regulator to adjust the approach for each social housing provider based on factors such as size, development plans, previous regulatory history and business complexity. Do you agree?**

Whatever the approach taken, it should ensure that tenants are protected and empowered and that equality of opportunity and good relations are advanced. We would expect the approach to be flexible enough to ensure targeting across the Section 75 grounds.

We recommend that the proposed annual sector risk report for social housing providers include statistical data, legislative updates and guidance relating to members of the Section 75 equality groups, and that it should ensure the mainstreaming of Section 75 into the process.

We note that the worst performing housing associations are those with the smallest housing stock, and recommend that the assessment process should have a proportionate focus on their activity to ensure it meets the standards required.

**5. The Department should introduce additional powers for the regulator to ensure the quick and effective resolution of any issues. Do you agree?**

We note that the consultation document does not provide a complete list of the additional powers. The Department should distil the proposed powers and then subject same to a consideration of equality impact.

**6. Do you agree with the findings in the Impact Assessment screening reports?**

We note that the impact assessment does not consider the potential for redundancies as a result of the revised regulatory framework.

Further we note reference to contractors at page 9 of the impact assessment and the impact the revised framework may have. We draw your attention to our publication, produced with the Department of Finance and Personnel, *Equality of Opportunity and Sustainable Development in Public Sector Procurement*, which provides useful guidance.

9 June 2015  
ENDS