

Mr Robert Black
Chair, Housing & Wellbeing Commission
c/o Shelter Scotland.

25th November 2014

Dear Mr Black

Re – HOUSING & WELLBEING COMMISSION.

Firstly can I congratulate Shelter on establishing the Housing & Wellbeing Commission which we are sure will play a valuable role in stimulating debate about Scotland's future and the need for both wellbeing and equality to be central to any vision of a new Scottish housing policy. The Equality & Human Rights Commission (EHRC) shares this vision and we are happy to provide you with the following comments on your discussion document.

The EHRC agrees with the general thrust of the Commission's work to date and particularly with the central role that housing policy can play in addressing the widespread inequality and lack of equality in Scotland. The Commission rightly focuses on the role that a wellbeing approach can play in alleviating some of the extremes of social inequality that hold back many individuals and communities . We further agree that the 8 types of wellbeing set out in the document are largely the right ones to focus on.

We are however concerned that whilst the Commission has focussed on social inequality (poverty and deprivation) less attention appears to have been paid to social equality, that is the extent to which groups listed in the Equality Act as being protected from discrimination on the basis of their protected characteristic. These groups are defined by gender, race, religion or belief, disability, sexual orientation, age, gender reassignment, maternity and pregnancy.

In the 8 types of wellbeing that the Commission describes we know that many of those groups defined as having “protected characteristics” can face discrimination or disadvantage which is a direct result of their characteristic, and not because of their experience of deprivation. For example many older people, people from religious groups or ethnic minority communities live in poverty, but not in deprived areas. As such they are unlikely to benefit from place based anti-deprivation policies. Similarly many disabled people experience housing problems (in both the public and private sectors), which are related to their disability but unrelated to their experience of poverty. For example in Scotland there are currently 7,500 wheelchair accessible homes¹ but yet there are an estimated 119,800 wheelchair users in Scotland comprising 5% of all households².

Unfortunately today in Scotland there remains a significant gap in data about Scotland’s diverse communities. Recent data released from the Scottish Census on Housing is effectively the “gold standard” of equality data as it will present a richer and more detailed picture of housing circumstance by race, gender, disability, religion or belief, and age than is ever available in local or national data. We understand that the Scottish Government’s Equality Unit will be analysing this data over the coming months and we would encourage you to integrate their findings into your work.

Although the EHRC does not have up to date data on the housing experience of Scotland’s protected groups we did produce a paper for the Scottish Government in 2010 which summarised the known situation at that point. Although not a comprehensive study of all of the available data, the paper was endorsed by Age Scotland, Stonewall and others as being a fair reflection of the issues as they relate to equality. We have attached a copy of that paper to this submission for your information.

¹ [Housing Statistics for Scotland 2014: Key Trends](#)

² Habinteg 2012

Yours sincerely

Chris Oswald
Head of Policy & Communications Scotland.

Scottish Government's Housing Policy Paper 2011 – implications for equalities

1. Introduction

The Equality and Human Rights Commission (the Commission) was established in statute in the Equality Act 2006 and came into being on 1 October 2007. The Commission champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and build good relations, ensuring that everyone has a fair chance to participate in society.

The Commission welcomes the opportunity to provide an equality perspective on the development of the Housing Policy Paper 2011. The invitation to highlight the implications for equalities is particularly welcome given the critical nature of housing to people's lives. *Fresh Thinking, New Ideas* highlights a commitment to identifying housing need amongst different groups and across different areas of Scotland. This is welcome as the provision of housing must recognise the diversity of needs and aspirations in Scottish society.

In this paper, we set out evidence on the housing position and housing needs of different groups in Scottish society, although we have not attempted to be definitive in this short submission.³ As well as drawing

³ While there is a considerable amount of valuable data available on the housing position of many groups in Scotland, there remain particular gaps in information on the housing position of people who are gay, lesbian, bisexual, or transgendered and among people from different religious or faith groups, or none. Equally, data on the intersections of equality groups - for older ethnic minority people for example - is often poor. It is important therefore to find ways to fill gaps in knowledge either from research (e.g. through commissioning specific studies) or through consultation with specific equality groups. This will assist the Government in conducting robust assessments of their proposals potential impact on equality.

on research evidence, this paper is also informed by views from the equality community in Scotland. We have framed this paper around the three central concerns of: supply of affordable housing; improving housing choice; and enhancing quality of housing and the places we live in.

The paper also sets out the Scottish Government's legal responsibilities under the Equality Act 2010 and the forthcoming specific duties on Public Authorities across Scotland, including many public sector landlords. In considering these duties it is important that the Scottish Government recognises that the purpose of the Act is not just to eliminate discrimination or provide a "level playing field" for people from different equality groups. Importantly the Act also requires the Government, and other listed bodies, to take action which advances equality of opportunity and fosters good community relations. This means that the Government should take every opportunity to consider how its Housing Policy can redress existing inequalities which will not be remedied by simply providing equality of access. In this regard the Act's provisions have particular importance for disabled people as it permits positive discrimination towards disabled people, allowing the Government scope to lawfully make a significant contribution to the Independent Living agenda. Finally, housing policy (and/or its misrepresentation) has the potential to create division in our communities as well as fostering cohesion. The Government is under a positive duty to ensure that its policies in this regard contribute to decreasing tensions and promoting better understanding between different groups.

2. Supply of Affordable Housing

Age

The increase in single adult households in Scotland is partly a consequence of the ageing of the population, resulting in more people living alone in older age.⁴ Supporting older people to live independently for as long as possible requires recognition of the need for access to affordable housing that meets physical needs (such as accessibility) as well as offering safe environments, near facilities and where suitable care and support are available that can facilitate independent living.⁵

Gender

Male lone parents are twice as likely to own or be buying their home compared with female lone parents, who are far more likely to be living in social rented housing.⁶ We know also that female headed households with children are far more likely than other groups to live in overcrowded and substandard accommodation.⁷ With women the majority of lone parents, social rented housing plays a critical role in this groups' lives,⁸ with affordability restricting the housing choices available to lone mothers relative to lone fathers. These gender differences are likely to be explained by differences in employment rates, household income and affordability or availability of suitable local childcare.

Ethnicity

While there is clearly a need for housing to respond to the current increase in single person households in Scotland, we should not lose

⁴<http://www.scotland.gov.uk/Resource/Doc/923/0029756.pdf>

⁵http://www.equalityhumanrights.com/uploaded_files/Scotland/equality_issues_in_scotland_a_review_of_research.pdf

⁶ *ibid*

⁷ http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_part_2_-_critical_issues_facing_britain_today.pdf

⁸ <http://www.scotland.gov.uk/Resource/Doc/923/0029756.pdf>

sight of divergences in housing demand among different groups. The Pakistani community in particular are found to more often require larger houses in order to facilitate multi-generational household living.⁹ Census data from 2001 highlights that Pakistani households – along with Indian and ‘other white British’ households - have higher than average rates of owner occupation in Scotland¹⁰. Bangladeshi, Pakistani and African communities are more likely than other ethnic groups to live in older, less well-maintained accommodation, and to live in over-crowded housing, which is often the result of their over-reliance on private rented or owner occupied housing. The limited stock of larger social rented housing partly explains these trends and also suggest that there is work to be done to ensure that larger and multi-generational families can access suitable social rented housing.

Migration

With increasing diversity in Scotland’s population, including larger numbers of new migrants, asylum seekers and refugees, there is a need for the divergent needs of different groups to be recognised to ensure that housing supply meetings the needs of Scotland’s people. Evidence presented at the Scottish Parliament’s Equal Opportunities Committee Inquiry into Migration and Trafficking highlights a number of pertinent issues to consider in planning housing to meet the needs of migrant communities moving to Scotland. Migration is seen to play an important role in the Scottish economy, and the needs of migrants moving to Scotland need to be explicitly considered in the development of housing policy.

The perception that migrants receive priority in housing allocation has not been borne out through evidence. This perception can however lead to negative attitudes and strained relations in the community. Research by the Commission (2008) found no evidence of discrimination against white groups. Monitoring and evidence becomes critical to ensure that authorities have full information about housing

⁹ <http://www.scotland.gov.uk/Resource/Doc/156758/0042145.pdf>

¹⁰ <http://www.scotland.gov.uk/Resource/Doc/47210/0025543.pdf>

practices and so allow them to respond confidently to unfounded myths about migrants.

In common with other ethnic minority groups there are also issues with the size and quality of accommodation that migrants are currently accessing in Scotland. Many migrants have problems obtaining family-sized accommodation. Positive Action in Housing told the Committee that this is one of the main barriers that prevent people from accessing housing associations, with there simply not being the stock of accommodation of the right size available. This was confirmed by Suzie Scott from Glasgow Housing Association:

“Very few properties in the social rented sector in Glasgow have three or more bedrooms, whereas a number of migrant households require such accommodation. Some people are still living in temporary accommodation because we have been unable to house them in sufficiently large accommodation. That is an issue not only for migrants, but for indigenous Scottish households that happen to be of a very large size. However, the migrant population is proportionately more likely to have a need for larger houses, so the issue affects migrants proportionately more. It is an issue for Glasgow and, again, we have difficulty in addressing it because of the limited number of new-build units and the amount of money that we have available for conversion”.¹¹

3. Improving Housing Choice

Disability

Households where there is no disabled person resident are more than twice as likely to have a mortgage than those where this is a disabled person in the household. This gap is partly explained by the correlation between age and disability – with older people more likely to own their home outright than have a mortgage. However, higher costs associated with disability and lower incomes are also important factors

¹¹ <http://www.scottish.parliament.uk/s3/committees/equal/reports-10/eor10-05-00.htm>

affecting housing choices for working age disabled people.¹² As Scottish Household Survey data show, half of all households (49%) that include someone with a long-standing illness, health problem or disability have a net income below £15,000,¹³ limiting access to owner occupation housing in a number of parts of Scotland.

As well as issues of affordability, there are a number of other barriers to owner occupation that affect disabled people. A lack of suitable housing stock to buy, notably stock of the right size, adaptability and locations where support, social and economic networks can all be accessed are also significant factors. Financial barriers, noted above, associated with lower incomes and high property prices in many areas of Scotland mean that accessing suitable housing close to local amenities or employment is often not possible. Risk aversion among lenders and insurance companies can also lead to higher mortgage interest rates or insurance premiums to cover perceived risk, further limiting affordability and choice in relation to owner occupation.¹⁴

Age and Disability

Independent Living for disabled and older people in Scotland is now a Government priority. Independent Living requires that disabled and older people have the same degree of choice and control over their lives as other citizens. Choice in this context means recognising that disabled and older people may require adapted living spaces, support and access to a range of amenities to allow them to live in their own homes and/or maintain as much independence in their living environment as possible. At present there is a shortfall of ambulant disabled properties and wheelchair accessible properties to meet the housing needs of older and disabled people who require this to live independently.¹⁵ As well as physical access, disabled people of all ages report difficulties with doing housework, preparing meals,

¹²http://www.equalityhumanrights.com/uploaded_files/Scotland/equality_issues_in_scotland_a_review_of_research.pdf

¹³ <http://www.scotland.gov.uk/Resource/Doc/283301/0085783.pdf>

¹⁴ *ibid*

¹⁵ DTZ Pineda (2004) *Mind the Gap: evaluation of owner occupation for disabled people*. Communities Scotland report - no longer available online.

dressing and washing. Support is therefore a critical input to allow many disabled people to have genuine housing choices to allow them to live independently.¹⁶

Gypsy Travellers

For many Scottish, and other Gypsy Travellers, travelling is the preferred way of life, but to ensure their children's education or for health or caring reasons many may choose to live in housing for some or part of the year, or indeed on a semi permanent basis. However there are a number of factors which constrain these aspirations.

The quantity and location of Local Authority and private sites which are available to Gypsy Travellers in Scotland is often poor and can present residents with health hazards and poor facilities/services, as our Scottish research has highlighted.¹⁷ Crucially our research also confirms that there is a problem with the supply of sites, particularly in the summer months, which has led to tensions and deteriorations in community relations when people have no option but to pull in on private or public land. Please refer to our recent submissions to Petitions Committee for further information on this issue.¹⁸

When the alternative of social rented housing is accepted, it is often in the most deprived areas which means not only sharing the environmental disadvantage that is experienced by their neighbours, but also facing hostility from neighbours as a result of racism. Opting to move into social rented housing may also risk dislocation from their families, communities, culture and support systems.¹⁹

¹⁶ *ibid*

¹⁷ http://www.equalityhumanrights.com/uploaded_files/Scotland/Research/research_report_assessing_the_accomodation_needs_of_gypsy_traveller_in_scotland.pdf

¹⁸ <http://www.equalityhumanrights.com/scotland/consultations-in-scotland/>

¹⁹ http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_part_2_-_critical_issues_facing_britain_today.pdf

LGBT

Little attention has been given to the housing situation of lesbian, gay, bisexual and transgender people in Scotland. Specific studies have highlighted concerns about ageing and worries about losing housing, specifically relating to situations where a partner dies and rights to maintain residence may not be guaranteed. There are also concerns about whether suitable housing information and knowledge about housing rights may be available when required.²⁰ For younger LGBT people there are also concerns about higher levels of homelessness and a need to access emergency accommodation in crisis situations. This is an area which requires far greater research to enable the Government to properly assess the impact of its policies.

Religion or Belief

Data on home ownership by different religious groups shows that Sikhs and Jewish people are most likely to own their own home - over three-quarters compared with an average figure of approximately two thirds of households being owner occupiers across Scotland. The lowest owner occupation is experienced by Hindus (59%), Buddhists (60%) and those from the Other Religion group (56%). There are also differences in housing tenure across different age groups. The level of owner occupation among 16-29 year olds varies considerably across religions. For example, around 80% of Sikhs aged 16-29 are owner occupiers, compared with only 40% among Hindus and 43% among Buddhists.²¹

However beyond these statistics the relative housing experience of people of faiths or no faiths remains underexplored and is an area

²⁰http://www.equalityhumanrights.com/uploaded_files/Scotland/equality_issues_in_scotland_a_review_of_research.pdf

²¹ <http://www.scotland.gov.uk/Publications/2005/02/20757/53572>

which requires far greater research to enable the Government to properly assess the impact of its policies.

4. Enhancing Quality of Housing and Places

Disability and Ageing

Implementation of Part M Building Regulations is one step towards more accessibility in housing and other buildings. Lifetime homes (LTH) go further, with housing being adapted to meet the long-term needs of families and individuals, recognising that over time people's circumstances and needs change. This model of housing is more flexible, convenient, safe, and accessible than traditional stock. The financial cost of ensuring housing is built to LTH standards is very low.²² The benefits, however, in terms of allowing people greater opportunities to live independently are significant – both in financial terms (e.g. through participation in paid employment) and socially.²³

Moving beyond the requirements for LTH, new build that is designed for full wheelchair use is also required. Housing to meet wheelchair standards involves design that specifically meets the diverse needs of wheelchair users and the multiplicity of impairments that some wheelchair users experience. The focus is on having access to every facility inside and outside the dwelling, as well as having choice in how best to approach and perhaps adjust facilities to meet particular needs.²⁴

Neighbourhood Quality and Equality

For a number of individuals and groups protected by equality legislation, the neighbourhood has an important impact on experiences

²² <http://www.jrf.org.uk/media-centre/lifetime-homes-match-higher-building-standards-with-long-term-cost-effectiveness>

²³ <http://www.jrf.org.uk/publications/building-lifetime-homes>

²⁴ <http://www.lifetimehomes.org.uk/pages/lifetime-homes-and-wheelchair-design.html>

and perceptions of safety and security. In Scotland, female headed households with children are more likely than their male counterparts to rate their neighbourhood as poor.²⁵ Work by the Disability Rights Commission highlighted that disabled people report that the area close to their home is one of the critical sites for targeted violence,²⁶ a finding confirmed in recent Commission research.²⁷ Similarly studies on harassment of gay men highlight the local neighbourhood as being a key site of victimisation. For ethnic minority communities, housing choices are made, in part at least, on perceived risk of racial harassment within some areas.²⁸

Clearly, the perceived quality and safety of neighbourhood is a critical factor in many people's experiences of housing. The disproportionate reliance on social rented housing for many people protected by equality legislation means that greater attention in neighbourhood planning needs to be given to the risks and vulnerabilities facing specific groups who are more often housed in social rented housing stock.

5. Public Sector Equality Duty

The Equality Act 2010 came into force on 1 October 2010. This legislation replaces a large number of previous legislation with a single legislative tool. The Equality Act includes a new public sector equality duty which provides legislative tools relating to eight protected characteristics²⁹. This duty is due to come into force in April 2011. It is vital that the Scottish Government consider their obligations under the new duty when developing strategic activity within the Housing Policy Paper.

²⁵ http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_part_2_-_critical_issues_facing_britain_today.pdf

²⁶ <http://www.leeds.ac.uk/disability-studies/archiveuk/DRC/Hate%20Crime%20report.pdf>

²⁷ http://www.equalityhumanrights.com/uploaded_files/research/promoting_safety_and_security_of_disabled_people.pdf

²⁸ http://www.equalityhumanrights.com/uploaded_files/Scotland/equality_issues_in_scotland_a_review_of_research.pdf

²⁹ The protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation,

The aim of the general equality duty is to build equality considerations into the day to day business of public bodies. Those bodies subject to the new equality duty must, in exercising their functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between different groups

The Equality Act (Statutory Duties) (Scotland) Regulations 2011³⁰ are expected to come into force in April 2011, and place additional specific duties on listed Scottish public bodies, including the Scottish Government and local authorities.

Among other provisions, authorities will be required to assess the impact of their proposed policies and practices - including changes or revisions to existing policies - on particular groups and on their ability to meet the above general duty. In undertaking such an assessment, authorities will have to consider relevant evidence and pay due regard to the results of the assessment. The information offered in this paper highlights some issues for consideration. However, this needs to be taken as part of a more thorough assessment of impact of proposals emerging from the Housing Policy Paper to ensure compliance with the new public sector duty.

Suzi Macpherson

Equality & Human Rights Commission

January 2010.

³⁰ The regulations are still being prepared by the Scottish Government and so the final detail of the duties may be subject to change.