



Derbyshire County Council
County Hall
Matlock
DE4 3AG

November 2015

Dear Sir / Madam

RE: Ensuring Equality in Access to Council Services for Roma Communities

I write to you on behalf of the Equal Rights Trust, to share with you the findings of consultation meetings which we have undertaken with members of the migrant Roma community¹ in consultation meetings held in Derby. These consultations have revealed the existence of significant barriers which prevent members of this community from accessing Council services in the Derby area on an equal basis with others. Through this letter we seek to bring these issues to your attention, given your obligations under the Equality Act 2010.

We invite you to consider the information presented below in light of Derbyshire County Council's obligations under the Equality Act 2010, and specifically obligations under the Public Sector Equality Duty, which requires the Council to have due regard to the need to eliminate discrimination and promote equality of opportunity in access to its services.² This letter makes specific recommendations for how the Council could better meet its obligations under the Public Sector Equality Duty. We would be grateful if you would respond to this communication to set out the steps which the Council is taking, or intends to take, to address these recommendations, and any other measures which you are taking to ensure that Roma persons in your borough are able to access services on an equal basis with others.

Background

The Equal Rights Trust is an international non-governmental organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice. The Trust recently concluded a project in the United Kingdom entitled "Equal Rights for Roma, Gypsies and Travellers Programme – Immigrant Roma", the purpose of which was to increase the awareness of migrant Roma communities of the rights afforded to them by the Equality Act and other laws, and thus enable them to access public services on an equal basis with others.

¹ The term "Roma" as the Council of Europe defines it refers to a wide range of communities, including Gypsies and Travellers, who do not necessarily identify as Roma. The UK Government uses the term Roma "for people of Roma origin who have come to the UK in recent years, particularly following the end of the Cold war and successive enlargements of the EU in 2004 and 2007". This letter adopts the latter definition.

² Equality Act 2010, section 149.

The Roma community is constituted of a diverse group of individuals and communities, brought together by a distinct and common culture, language and history. Within the United Kingdom, the term 'Roma' is largely synonymous with migrants typically arriving from Central and Eastern Europe. Currently, there are an estimated over 10 million Roma people living in Europe³ and they are considered one of the largest ethnic minorities in the region. Since the 1990s, increasing numbers of Roma families and individuals have migrated to the United Kingdom. Today, there are an estimated 197,705 migrant Roma living in the United Kingdom.⁴ However, the exact number is difficult to ascertain, due to a lack of accurate data held by the government⁵ and the fact that many Roma avoid declaring their ethnicity, using their nationality instead, because of fears of discrimination and racism.

Despite a relatively robust framework of law, policies, institutions and practices designed to ensure the enjoyment of the right to non-discrimination on grounds including ethnicity, the Roma remain deeply marginalised in the United Kingdom. The situation of the Roma in the United Kingdom has been exacerbated by a sharp rise in anti-migrant Roma xenophobia in reaction to the lifting of restrictions for Bulgarian and Romanian workers in January 2014. The absence of reliable data related to immigrant Roma and the confusion in the public mind of Roma and Romanians feed into the amalgam of anti-Gypsyism and anti-migrant racism. Thus, the Roma are living in an increasingly hostile environment, experiencing exclusion from many areas of life and often unable to access public services such as housing, healthcare and social assistance on an equal basis with others.⁶ Many Roma in the United Kingdom work for low wages and their distinct vulnerabilities are often exploited⁷.

Our work with the Roma in the United Kingdom is focused on increasing their understanding of the rights available to them under the Equality Act 2010 and increasing the understanding of public bodies and service providers of the specific needs of the Roma. In the course of this project, we have worked in partnership with the Roma Support Group (London), Clifton Learning Partnership (Rotherham), Roma Community Care (Derby) and the University of Salford (Greater Manchester) to convene consultative workshops with the Roma communities in four of the regions of the United Kingdom with the largest migrant Roma populations: Greater London, South Yorkshire, Greater Manchester and the East Midlands. We have also facilitated forums in which members of the Roma community and local service providers in these areas can discuss the challenges faced by migrant Roma in accessing basic services and how service providers can meet their obligations under the Equality Act to promote equality of opportunity in access to these services.

³ Council of Europe, "*Human rights of Roma and Travellers in Europe*", 2012, available at: https://www.coe.int/t/commissioner/source/prems/prems79611_GBR_CouvHumanRightsOfRoma_WEB.pdf, p. 31.

⁴ Brown, Scullion and Martin, "*Migrant Roma in the United Kingdom*", 2013, available at: http://www.salford.ac.uk/sustainable-housing-and-urban-studies-unit/downloads/Migrant_Roma_in_the_UK_final_report_October_2013.pdf.

⁵ Council of Europe, "*Council conclusions on an EU Framework strategy for Roma integration up to 2020: Great Britain and Northern Ireland*", 2012, available at: http://ec.europa.eu/justice/discrimination/files/roma_uk_strategy_en.pdf.

⁶ The AIRE Centre, "*Roma Rights*", 2015, available at: <http://www.airecentre.org/pages/roma-rights.html>.

⁷ See above, note 4.

Consultation Findings

During our consultation meetings in Derby, we were pleased to learn of some positive initiatives and successes in engagement and the provision of services to Roma persons. In particular, we were pleased to learn of the improvements in attendance rates by Roma children in education in recent years, and the outcomes achieved by Roma children in primary school. Nevertheless, the information provided at our workshops indicates that Roma persons in the Derby area continue to experience difficulties in engaging with the Council and thus accessing Council services on an equal basis with others.

The Trust found that language difficulties, lack of information and cultural differences have resulted in significant misunderstandings about the nature and availability of Council services among members of the Roma community. Participants at our meetings asked questions of Council representatives about benefits, taxation and services which indicate that Roma persons are not able to access and understand information about the Council and the way in which it operates. Questions included basic enquiries about whether council tax rates differ based on the number of people residing in a property and about how one accesses social housing. We also heard that Roma persons found some Council initiatives – such as efforts to engage with Roma seeking employment about how to improve their skills – were seen as largely ineffective. The Public Sector Equality Duty requires that local authorities have due regard to the need to remove disadvantages faced by, and meet the specific needs of, persons sharing a protected characteristic when accessing public services.⁸ This Duty necessitates efforts to reach out to minority communities, where lack of information or understanding restricts equality of access. These examples indicate that the Council needs to do more to engage with and provide information to members of the Roma community on the services which it provides.

A closely related area of concern is the interaction between Roma persons and the children's social services department. Some of the Roma with whom we spoke stated that they were concerned about the risk of their children being taken into care by the Council, and did not understand how social services operate in the United Kingdom. We were also informed that Roma parents did not understand letters requesting that they take their infants for regular health checks, believing that such appointments carried a risk of sanction or of having children taken into care. Again, these examples indicate that the Council must do more if it is to meet the particular needs of the Roma community and encourage their participation in areas where they are underrepresented. Section 149 of the Equality Act requires that the Council have due regard to the need to promote equality of opportunity in access to its services, particularly in service areas where participation is disproportionately low.

During our consultation meetings, we found that the Roma community in Derby faces significant discrimination from private landlords. Overcrowding was identified as a serious problem, as were issues of poor quality housing: lack of heating or hot water and damp or poorly insulated homes. Further, the Trust was gravely concerned to find that almost none of those who privately rented accommodation in Derby had had their deposits protected through the tenancy deposit protection scheme, as required by law. Based on our discussions with Roma persons in these meetings, we believe that problems of overcrowding, poor quality accommodation and the absence of tenancy protections affect Roma persons disproportionately because of their ethnicity. The Trust welcomes the fact that the Council's environmental health team is focused on addressing issues of overcrowding and poor quality housing. Again, however, the Trust would urge the Council to give further consideration to the particular needs of Roma persons, and the greater vulnerability of many Roma in private rented accommodation, resulting from their language difficulties, economic insecurity and their migrant status.

⁸ See above, note 2, section 149(3).

Recommendations

Our consultations in Derby identified a range of good practices in the Council's attempts to engage with the Roma community; the success in increasing educational participation in particular is impressive. However, the same consultations provided evidence of the challenges facing Roma persons in access to Council services, and to employment. In these respects, while we welcome the work which the Council is doing, we urge consideration of whether and how the Council could take further steps to meet the specific needs of Roma persons and encourage Roma persons to participate in areas such as employment where participation is disproportionately low, as required by section 149(3)(b) and (c) of the Equality Act.

Therefore, the Equal Rights Trust calls upon Derbyshire County Council to act in line with its obligations under section 149 of the Equality Act by: (a) conducting an investigation into language, information and other barriers which restrict access to council services for persons of Roma ethnicity, and taking such measures as are necessary to enhance participation in areas where problems are identified; (b) proactively engaging with the Roma community in the area to share information about council services, correct misunderstandings and allay concerns about the Council's work; (c) increasing and improving its efforts to support members of the Roma community to access employment, and ensuring that services which are focused on increasing employment in the area address the specific needs of the Roma community.

Beyond the specific recommendations above, the Council has a general obligation under the Public Sector Equality Duty to eliminate discrimination and promote equality of opportunity on the basis of race and other protected characteristics. As such, we are aware that the Council may already be taking steps to ensure equality of access to Council services for Roma and other minority ethnic communities. We would be grateful if you could also provide us with any information on any measures which the Council has taken, and of the ways in which these measures are monitored. In particular, we would be interested to know how the Council is working to ensure that private landlords are meeting their obligations under the Equality Act, and how this is monitored.

We hope that the information provided in this letter relevant and useful in respect of the Council's obligations under the Equality Act 2010. Should you require further information or advice, the Trust would be very happy to assist. We look forward to hearing from you and to cooperating with you to address the issues identified in this letter.

Yours sincerely

Dr Dimitrina Petrova
Executive Director, Equal Rights Trust