



EQUAL RIGHTS TRUST

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Dear Sir / Madam

RE: Ensuring Equality in Access to Jobcentre Plus Services

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 the Rotherham area, and to make recommendations for how the Jobcentre could better meet its obligations under the Equality Act 2010. These consultations have revealed the existence of significant barriers which prevent members of this community from accessing services offered by Jobcentre Plus 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 the obligations of Jobcentre Plus under the Act and specifically obligations under the Public Sector Equality Duty, which requires you to have due regard to the need to eliminate discrimination and promote equality of opportunity in access to health services.² This letter makes specific recommendations for how Jobcentre Plus 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 Jobcentre Plus is taking, or intends to take, to address these recommendations, and any other measures which you are taking to ensure that Roma persons in Rotherham are able to access its 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 is undertaking a project in the United Kingdom entitled “Equal Rights for Roma, Gypsies and Travellers Programme – Immigrant Roma”, the purpose of which is to increase the awareness of migrant Roma communities of the rights afforded to them by the

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.

Equality Act and other laws, and thus enable them to access public services on an equal basis with others.

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 exploited.⁷

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. This letter presents information gathered through these consultations and forums.

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 Rotherham, participants provided testimony indicating the existence of discrimination against those accessing services at Jobcentre Plus. Roma individuals and representatives of organisations working with the Roma community gave examples of problems faced by Roma individuals in accessing healthcare services which would amount to direct and indirect discrimination and harassment when interacting with Jobcentre Plus.

Roma individuals cited examples of unfavourable treatment against them which they believed was directly related to their Roma ethnicity. Consultees stated that requirements to provide evidence of the number of job applications made in each period were applied in a discriminatory manner against European Union migrants. The Equal Rights Trust was informed that while Roma and other persons from European Union countries were routinely required to provide evidence that they had applied for 14 to 30 jobs in the preceding 14 days in order to claim Jobseeker's Allowance, persons of British origin were only required to sign in, without providing evidence of job applications made. Differences in treatment such as this, if related to a person's ethnicity, would be considered direct discrimination within the meaning of the Equality Act.⁸

Roma individuals also stated that their evidence of job applications made was viewed with greater suspicion and that sanctions were applied to them more quickly than other applicants where they could not provide requisite information. Consultees stated that minor errors in the way in which they had completed forms – such as the provision of incorrect telephone numbers for potential employers – resulted in the suspension of their Jobseeker's Allowances. As discussed below, the communications challenges facing many Roma service users only exacerbate these problems, with misunderstandings serving to increase suspicion and thus lead to the suspension of Jobseeker's Allowance or the application of sanctions. Again, the application of sanctions against Roma individuals more quickly or with less consideration of evidence provided in mitigation than non-Roma individuals could constitute direct discrimination within the meaning of the Act.⁹ Further, the application of such rules on an equal basis, but with a disproportionate impact on Roma individuals because of their language difficulties could constitute indirect discrimination.¹⁰

Another significant issue raised by consultees was in relation to language and translation services. The Equal Rights Trust was informed that no interpreters were provided at Jobcentre Plus, and that Roma individuals were not given support to complete forms in English. Moreover, we were told that there was an expectation that those seeking work would be able to speak English and that without the ability to speak English they would be unable to find employment. However, consultees were keen to stress that there are jobs which they could do without the ability to speak English well, and that the lack of translation services – and the resulting difficulties they faced in registering as seeking employment – presented a significant barrier to their efforts to find work.

The failure to provide adequate and effective translation services for Roma persons accessing Jobcentre Plus services may constitute failure on the part of Jobcentre Plus to have due regard to the need to “remove or minimise disadvantages suffered by persons who share a relevant protected characteristic”, or the need to “take steps to meet the needs of persons who share a

⁸ See above, note 2, section 9(1).

⁹ *Ibid.* section 9(1).

¹⁰ *Ibid.*, section 19.

relevant protected characteristic that are different from the needs of persons who do not share it”, as required by section 149(3)(a) and (b) of the Equality Act.

Recommendations

As illustrated above, our consultations identified examples of direct and indirect discrimination and harassment against Roma individuals seeking access to Jobcentre Plus services. Moreover, these discussions give rise to concerns that such cases are part of a general pattern of discrimination affecting access to Jobcentre Plus services for Roma persons. Therefore, in our view, the Jobcentre Plus’ obligation under section 149 of the Equality Act to have “due regard” to the need to eliminate discrimination in access to its services is engaged.

Therefore, the Equal Rights Trust calls upon the Jobcentre Plus to act in line with its obligations under section 149 of the Equality Act by: (a) conducting an investigation into allegations of discrimination against Roma persons in access to its services, and taking such steps as are necessary to eliminate patterns of discrimination identified as a result; (b) issuing guidance to its staff on their obligations to ensure non-discrimination in access to healthcare, including for Roma individuals; (c) issuing guidance to staff on the need to ensure that requirements to provide documentation do not put Roma individuals or other groups sharing a protected characteristic at a particular disadvantage in accessing healthcare; (d) issuing guidance to staff on the need to eliminate harassment against Roma or other groups sharing a protected characteristic.

The provision of appropriate and effective interpretation services is necessary for some Roma individuals to enjoy full access to Jobcentre Plus services. In our view, the Jobcentre Plus must consider, in line with its obligations under the Public Sector Equality Duty, the need to provide interpretation services, in order to ensure equality of opportunity in access to its services. Government guidance has stated that the Public Sector Equality Duty requires a proportional approach and that while the provision of translation into commonly spoken minority languages may be a key means of ensuring equal access to services, translation into an excessive number of languages would be disproportionate response.¹¹ Which languages will be considered commonly spoken will vary according to region and locality and as such the translation services offered by housing providers should be determined by reference to the needs of the local community they serve. In areas such as Rotherham where there is a high concentration of Roma people, provision of translation services for the Romani language would be a proportionate response within the framework of the Public Sector Equality Duty.

Therefore, the Equal Rights Trust calls upon the Jobcentre Plus, to take action in accordance with its obligations under section 149 of the Equality Act by putting in place suitable interpretation services in areas with significant Roma populations.

Beyond the specific recommendations above, the Jobcentre Plus 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 Jobcentre Plus may already be taking steps to ensure equality of access to its 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 Jobcentre Plus has taken, and of the ways in which these measures are monitored. Any information which you provide will be disseminated, via our partners, to the affected communities, in order to ensure that they are fully informed about measures in place to assist them in accessing healthcare.

¹¹ Government Equalities Office, *Equality Act 2010: Public Sector Equality Duty, What do I need to know? A Quick Start Guide for Public Sector Organisations*, 2011, p.8, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf

We hope that the information provided in this letter relevant and useful in respect of the obligations of the Jobcentre Plus 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