



Rt Hon Greg Clark MP
Secretary of State for Communities and Local Government
Department for Communities and Local Government
2 Marsham Street
London
SW1P 4DF

November 2015

Dear Mr Clark

RE: Ensuring Equality in Access to Housing for Migrant 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 four regions of the United Kingdom: Greater London, Greater Manchester, South Yorkshire and the East Midlands, and to make recommendations for how the Department 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 housing services 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 the Department of Communities and Local Government 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 the Department 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 Department is taking, or intends to take, to address these recommendations, and any other measures which you are taking to ensure that Roma persons in the United Kingdom are able to access health 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 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

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.

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.

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. 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

In all of our consultation meetings, participants provided testimony indicating the existence of discrimination in the field of housing against members of the Roma community. In all of the areas in which consultations took place, Roma individuals and representatives of organisations working with the Roma community gave examples of problems faced by Roma individuals in accessing housing which would amount to direct and indirect discrimination and harassment. We also found evidence that the Department is not taking sufficient action to meet its obligations to enhance equality of opportunity in access to housing, as required by the Public Sector Equality Duty.

During our consultations in London, many of the complaints made by participants concerned the operation of the housing waiting list. One problem cited was the use of an online housing list system, which many were unable to use because of language, literacy or computer literacy problems. The operation of a system or practice such as this, which puts the Roma or another group that shares a protected characteristic at a particular disadvantage when compared with those who do not share this characteristic may constitute indirect discrimination.⁸ Another problem cited was of delays and disruptions in the application process, which some believed were the result of direct discrimination by housing officers.⁹ Participants also gave examples of harassment by housing officers, with the use of derogatory language about non-British claimants in general, and the Roma in particular, in their presence, with the effect of creating a degrading and hostile environment.¹⁰

One significant problem cited at our meetings in London was that when Roma individuals or families had applied for housing they were often offered accommodation in locations a significant distance from the borough in question, without being told whether or not they had the right to refuse such accommodation. These individuals complained of being pressured by housing officers to accept the first offer of housing even where this was not suitable. Roma families tend to live in close proximity and the extended family is a very important aspect of their culture. However, our consultations found that these needs are not adequately considered by housing officers when they allocate housing. This may indicate a failure on the part of local housing authorities to have due regard to the need to “take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it”, as required by section 149(3)(b) of the Equality Act.

More broadly, the Trust has found a distinct lack of cultural understanding between local housing authorities and the Roma community, which serves to act as a significant barrier to housing. Consultees in Stratford stated that housing officers had not sought to understand and address the specific and individual cultural needs of the Roma community, which in many cases has led to Roma families being offered unsuitable housing. For example, some Roma said that they had been given housing which was far too small to accommodate the whole family, leading to significant overcrowding and poor living conditions. Again, these actions may constitute a failure to take steps to meet the specific needs of the Roma community, contrary to section 149(3)(b) of the Act.

A significant issue identified in both London and Rotherham was in relation to language and translation services. Although, in general, interpretation services are provided by social housing providers at a local level, our consultations found that insufficient regard has been given to the individual and specific needs of the Roma community. The Equal Rights Trust found that the lack

⁸ See above, note 2, section 19.

⁹ *Ibid.*, section 9(1).

¹⁰ *Ibid.*, sections 29(3) and 26(3).

of adequate language facilities in the housing sector has created a serious barrier in access to adequate social housing for Roma communities, particularly in relation to establishing legal homelessness and accessing social housing services. In London, Roma noted that when attempting to access local social housing services, they were forced to receive interpretations in their second language (usually Romanian) instead of in the Romani language, causing problems with comprehension on both sides. Further, throughout this consultative process, concerns were raised about the quality of interpretation services provided. Section 149(3)(a) imposes an obligation on *inter alia* housing authorities to have due regard to the need to “remove or minimise disadvantages suffered by persons who share a relevant protected characteristic”, as in the case of the language disadvantages faced by Roma persons accessing housing.

In addition to these problems in access to social housing, during the workshops we found that the Roma community throughout the UK face significant discrimination from private landlords. Such discrimination took various forms, but many consultees made claims that they had been stigmatised and treated with racist bias by their landlords. For example, some consultees claimed that when they made complaints to their landlords about the maintenance of their accommodation, they were mistreated and ignored. Overcrowding was also identified as a serious concern in both Derby and Oldham. In Oldham, a police officer attested to the fact that he had visited overcrowded homes – with as many as eight to twelve people in a two-bedroom house – without electricity and with insufficient food preparation areas. A Roma participant in the same workshop stated that landlords rent a single room in a house to a family of four. Further, the Trust was gravely concerned to find that almost none of the consultees who privately rented accommodation in Oldham and Derby were aware of whether their tenancy deposits were protected or not, as required by law. Based on our consultations, we believe that problems of overcrowding, poor quality accommodation and the absence of tenancy protections affect Roma persons disproportionately because of their ethnicity. While the Trust recognises the limits on the Department’s ability to regulate the actions of private landlords, we would urge the Department to give specific consideration to the needs of the Roma in its work on tackling rogue landlords.

Recommendations

As noted above, our consultations identified examples of both direct and indirect discrimination and harassment against Roma individuals seeking access to social housing. In particular, allegations of harassment and participant’s suggestions that they had been subjected to unfavourable treatment motivated by prejudice is a significant cause for concern. In addition, the problems associated with the lack of understanding of the specific needs of the Roma community when allocating social housing was identified as a key concern by the Trust. The Trust is writing to local authorities in the areas in which we conducted our consultations to urge them to investigate discrimination in housing services and to take necessary action to eliminate any discrimination against Roma persons. However, while worrying in isolation, evidence that these cases are part of a pattern gives rise to concerns about discrimination affecting access to housing for Roma persons in general. Therefore, in our view, the Department’s obligation under section 149 of the Equality Act to have “due regard” to the need to eliminate discrimination in access to housing is engaged.

Therefore, the Equal Rights Trust calls upon the Department for Communities and Local Government to act in line with its obligations under section 149 of the Equality Act by: (a) conducting an investigation into discrimination against Roma persons in the housing service, and taking such steps as are necessary to eliminate patterns of discrimination identified as a result; (b) issuing guidance for local authorities on their obligations to ensure non-discrimination when allocating suitable social housing to Roma individuals and families; (c) issuing guidance for local housing authorities on the need to eliminate harassment against Roma or other groups sharing a protected characteristics.

Under the Homelessness (Suitability of Accommodation) Order 2003, where individuals and families are found to be legally homeless, a local housing authority must offer them **suitable** accommodation (emphasis added).¹¹ In addition, for the Roma, as a distinct ethnic minority community, a housing authority has an obligation under section 149(3) of the Equality Act 2010, to consider the need to “take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it”. Taken together, any local authority must consider, when deciding what constitutes suitable housing for Roma persons, the particular needs of members of this community. The evidence provided above indicates that local authorities in areas with significant Roma populations may not be meeting its obligations in this regard, both by offering housing at a significant distance from family and community members, and by offering housing which is too small to meet the needs of the families in question.

Therefore, the Equal Rights Trust calls upon the Department of Communities and Local Government to take action in accordance with its obligations under section 149 of the Equality Act by: (a) issuing guidance for local authorities that due consideration must be given to the particular needs of Roma persons when considering the suitability of housing offered at a significant distance from the local authority area; (b) issuing guidance for local authorities that due consideration must be given to the particular needs of Roma persons when considering the size of properties offered.

Furthermore, the provision of appropriate and effective interpretation services is a key condition for Roma individuals to enjoy full access to housing services. As noted above, our consultations indicate that while interpretation services are provided by housing providers, these are frequently unsuitable to meet the needs of Roma individuals, with the effect that members of the Roma community cannot access housing services on an equal basis with others. In our view, local authorities must consider, in line with their obligations under the Public Sector Equality Duty, the need to increase and improve the provision of interpretation services in the housing service, in order to ensure equality of opportunity in access to housing. 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.¹² 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. There are an estimated close to 200,000 Roma individuals living in the UK, with significant Roma communities having been established in the north of England, the East Midlands, Kent and north and east London.¹³ In these regions where there is a high concentration of Roma peoples, provision of translation services for the Romani language would be a proportionate response within the framework of the Public Sector Equality Duty.

¹¹ Homelessness (Suitability of Accommodation) Order 2003

¹² 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

¹³ Fremlova, L. and Anstead, A., *Discrimination as Standard in Runnymede Bulletin Winter 2010*, 2010, p.18, available at: <http://www.runnymedetrust.org/resources/currentPublications/the-bulletin-archive/bulletin-winter-2010.html>

Therefore, the Equal Rights Trust calls upon the Department for Communities and Local Government to take action in accordance with its obligations under section 149 of the Equality Act to promote equality of opportunity in access to housing by: (a) issuing guidance for housing providers that the provision of appropriate and good quality interpretation services for Roma communities is necessary and proportionate to ensure equality of opportunity in access to housing services for this group; (b) making available additional funds to support the development and provision of suitable interpretation services in areas with significant Roma populations.

The Department for Communities and Local Government has overall responsibility for the statutory regulation of the private rented housing sector. We note that the Department recently concluded its *Tackling rogue landlords and improving the private rental sector* consultation and produced a paper setting out its response. We would urge the Department, in considering how to move forward in its efforts to tackle rogue landlords, to have particular regard to the specific needs of the Roma and other ethnic minority groups which may be particularly vulnerable to abuse by such landlords.

Therefore, the Equal Rights Trust calls upon the Department for Communities and Local Government to (a) give particular consideration to the need to protect the Roma and other ethnic minorities vulnerable to abuse in the private rented sector when considering action to tackle rogue landlords; (b) undertake an investigation into discrimination against Roma and other ethnic minorities in the private rented sector.

Beyond the specific recommendations above, the Department 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 Department may already be taking steps to ensure equality of access to housing 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 Department has taken, and of the ways in which these measures are monitored. In particular, we would be interested to know how the Department is working to ensure that private landlords are meeting their obligations under the Equality Act, and how this is 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 housing.

We hope that the information provided in this letter is relevant and useful in respect of the Department'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

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