CIH’S RESPONSE TO the Tenant Services Authority SINGLE EQUALITY SCHEME

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This consultation response is one of a series published by CIH. Further consultation responses to key housing developments can be downloaded from: http://www.cih.org/policy/papers.htm

‘Shaping Housing and Community Agendas’
1. Introduction

1.0 The Chartered Institute of Housing (CIH) welcomes the opportunity to respond to the Tenant Services Authority’s (TSA’s) Single Equality Scheme (SES). Britain is an increasingly diverse place to live and our understanding of diversity is developing. Our homes and the communities in which they are located directly influence our quality of access to critical opportunities such as employment and education and our ability to participate in the social and economic life of the community. CIH welcomes TSA’s intention to ‘develop a genuinely inclusive approach where there is a relationship between (TSA’s) equality actions and how (TSA) regulates.’

1.1 The key questions consultation questions are:

   - Does the approach articulated in the SES sufficiently capture what TSA should be doing in relation to the current duties under the existing strands race, disability and gender?
   - Are TSA’s proposals to meet duties in relation to the additional strands: age, religion or belief, sexual orientation, gender and groups discriminated against on socio-economic grounds sufficient?
   - Is TSA’s communications approach sufficiently robust?
   - Will TSA’s targets enable it to meet its aspiration to be an exemplary employer?

1.2 The SES has an action plan which sets out objectives, intended outcomes and key targets:

   - Objective 1: Regulatory framework
   - Objective 2: Cohesive communities
   - Objective 3: Consultation, engagement and partnerships
   - Objective 4: Monitoring and measurement
   - Objective 5: TSA as an employer

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2. CIH and Equality and Diversity

2.0 CIH is the professional body for people involved in housing and communities. CIH has a diverse and growing membership of over 22,000 people both in the public and private sectors. CIH exists to maximise the contribution that housing professionals make to the wellbeing of communities.

2.3 As a professional body CIH is committed to playing a leadership role in creating a more diverse housing workforce. 56 per cent of CIH members are women and 14 per cent of UK members have black, and minority ethnic backgrounds. CIH is now developing new programmes of work in the areas of disability, age, sexual orientation and religion or belief. Some current highlights include:

- Developing a *Positive Action for Disability* trainee scheme for England and Wales to develop skills and drive forward employment opportunities for disabled people in housing and communities⁴
- Continuing to improve as a *Stonewall Diversity Champion* with a commitment to promote lesbian, gay and bisexual equality in the workplace across the housing and communities sector³
- Establishing an on-line community of practice of lesbian, gay and bisexual people working in housing in communities with in excess of 100 members drawn from all areas of the housing sector
- CIH equality and diversity publications and guides: *A Guide to Engaging Muslim Communities, Community Cohesion and Housing, Black and Minority Ethnic Housing Strategies, Housing, Race and Community Cohesion, A Guide to the Human Rights Act for Housing Professionals, Providing Gypsy and Traveller Sites: Contentious Spaces; and Equality, Diversity and Good Relations in Housing*
- Running with (Hact) the *Opening Doors* project to improve housing association services for refugees and migrants which was followed in 2009 by *Count Me In* the Refugee Community Housing and Employment Project⁴

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² [www.cih.org/careers/positiveaction](http://www.cih.org/careers/positiveaction)
⁴ [www.cih.org/policy/openingdoors](http://www.cih.org/policy/openingdoors)
3. General comments

3.0 There are inconsistent references to ‘sexuality’ and then ‘sexual orientation’ throughout the scheme: the term ‘sexual orientation’ should be used consistently (p4,13,16,17,22,26…).

3.1 The SES refers to six strands of diversity which should be consistently referred to as seven strands (p15,16).

3.2 There needs to be clear differentiation between the roles of the TSA as an employer and a regulator. As an employer TSA as a public body is required to fulfil and publish responsibilities under equality legislation; and in anticipation of the forthcoming Equality Act, as a public body should plan for the diverse needs of its workforce across all strands of diversity including: age, disability, gender, religion or belief, sexual orientation and transgender. As a regulator, the discharge of this duty is more complex, given that housing associations are not strictly public bodies. It is difficult not to avoid seeing this complexity and stakeholders will be looking for clarification of the boundaries of the TSA's responsibilities articulated in the SES.

3.3 The SES positively recognises a broad commitment to diverse individuals and groups within the community with different needs and aspirations. However, different groups will have different needs and explicit reference to, articulation of and attention to different strands of diversity. This will be important to ensure a truly inclusive approach. While many housing organisations have actively pursued equality schemes in relation to age, disability and gender with varying degrees of effectiveness; there is a comparable lack of intelligence and capacity in the sector in terms of addressing the specific needs of other groups, such as younger and older people, gay, lesbian, bisexual and transgender people or those with different religious backgrounds.

3.4 Within the Scheme and associated policy statement, It might be worthwhile making a statement that the various ‘strands’ of diversity do not present ‘competing’ issues, but rather provide opportunities for synergies to be developed and addressed through integrated action. It is often the case that inequality and prejudice are perceived and experienced on multiple levels, and in this respect the separation or isolation of strands can in itself be ‘artificial’.

4. Responses to specific questions

Question 1: Does the approach articulated in the SES sufficiently capture what TSA should be doing in relation to the current duties under the existing strands race, disability and gender?
4.1 TSA clearly identifies what it should be doing under existing strands race, disability and gender.

4.2 However, as the SES itself articulates (p17), the forthcoming Equality Act will impact upon TSA as a public body and many registered providers also. The introduction of a new Single Equality Duty will extend existing duties related to race, gender and disability, so that listed public bodies (and private bodies delivering a public function) will also have to consider, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment when designing and delivering public services.

4.3 Given the likelihood that the Equality Act will be passed in April 2010, it might be important for the emphasis in the SES to be on the broader provisions of the forthcoming act. TSA states that there are no plans to hold further consultation on the SES or action plan; but CIH supports the intention to ‘keep the scheme and action plan as a live document and (to) periodically review them to ensure that they continue to reflect current and emerging equality issues (p7).’

**Question 2:** Are TSA’s proposals to meet duties in relation to the additional strands: age, religion or belief, sexual orientation, gender and groups discriminated against on socio-economic grounds sufficient?

4.4 Within the SES, there are clear references to engagement and consultation with BME stakeholders (p23,24,25) and this is a positive action. However, less explicit are references to consultation with other groups. Reference should be given to other representative groups who took part in the National Conversation.

4.5 Some of the language used in the SES action plan is in-sufficiently robust. The phrase ‘include reference to diversity’ and ‘consider and collate feedback’ in objective 1 (p30); and ‘Diversity consideration’ (p32) for examples does not give a specific or measurable indication of what objectives will concretely achieve.

4.6 CIH welcomes TSA’s commitment to building ‘a good working relationship with key stakeholders across the sector such as and including BME National and EHRC’ (p35); however, it will be important to ensure engagement goes beyond these groups to be effectively diverse (ref p25 for TSA’s longer list of partners).

**Question 3:** Is TSA’s communications approach sufficiently robust?
4.7 While TSA acknowledges the importance of addressing the needs of different diversity groups, ensuring sufficient understanding of the needs of different diversity groups will be important. CIH welcomes TSA’s approach to communicating with a range of stakeholders. However, communicating with some minority groups may be challenging and may require engagement with local or community groups to ensure adequate representation.

4.8 There is uneven national and local information about different strands of diversity. For example, Stonewall acknowledge that relatively little is known about the extent of the challenges that lesbian, gay and bisexual (LGB) people face in relation to housing. There is a risk that a lack of empirical evidence about the needs of LGB people nationally and locally could be misinterpreted as evidence of absence of actual needs among this group. Historical discrimination means many LGB and transgender people have been reluctant to articulate their needs or have been marginalised in consultation processes. In 2007 a poll commissioned by Stonewall revealed 20 per cent of lesbian, gay and bisexual people expected to be treated less favourably than a straight person when applying for social housing. In addition 20 per cent of LGB people have been the victim of one or more ‘hate crimes’ in the past three years.\(^5\) In addition, LGB people may experience homophobic harassment or ‘hate crime’ from their neighbours which may motivate them to request a transfer or not to want to live in certain neighbourhoods.\(^6\) CIH recommends the development of better information about the needs of different groups within the community.

Question 4: Will TSA’s targets enable it to meet its aspiration to be an exemplary employer?

4.1 CIH welcomes the positive intentions of TSA to work with registered providers but believes targets are required to ensure the needs of different groups are addressed.

4.2 Currently, the SES is general. TSA will need to ensure the SES and EIA addresses different strands of diversity in their difference. This is because equalising equality inputs does not always lead to equalised outcomes for different groups. Evidence and research-based initiatives may result in differentiated inputs which will lead to appropriate outcomes for different groups in society. A useful approach might be to include within the SES and EIA a clear identification of the particular issues affecting each diversity strand and appropriate and specific

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\(^6\) Stonewall Housing/ Shelter (2005) Meeting the needs of homeless lesbian and gay youth, London, Shelter
actions for each group, responsibilities and timescales; and a clear identification of anticipated outcomes. The process of undertaking an EIA reveals where and how different inputs may be required to drive towards equality of outcome.

4.3 The statutory consultation process on the regulatory framework included specific events targeted at tenants based along the seven equality strands. This is an important approach but needs to be viewed additionally in the context of more sophisticated approaches which address cross-strand diversities: tenants don’t only belong to one strand: there are disabled black tenants, older Muslim tenants, and young gay tenants etc. Developing an understanding of the complexity of diversity will be important for authentic engagement.

4.4 TSA states a key outcome of objective 1 will be ‘equality and diversity is embedded in our regulatory framework and our assessment of provider importance’ (p31). Extensive discussion was had during consultation for the National Standards about how explicit and consistent equality and diversity would be articulated in the National Standards. Across the registered provider sector, there is markedly varying performance in terms of equality and diversity issues; and mediocre KLOE scores of equality and diversity would indicate a lack of understanding and poor practice in parts of the sector. While TSA has stated it does not intend to issue Codes of Guidance to supplement the National Standards, dissemination of good practice in relation to equality and diversity issues may be necessary to ensure good practice is embedded in the sector.

4.5 CIH positively supports plans to ‘produce a toolkit or commission research to support providers in making the most of tenant profiling’ (p32). This is an excellent way of enabling registered providers to develop the capacity to understand their tenants and their needs. CIH would draw attention to its own good practice briefing on customer insight which was published in 2008 as a useful introduction to developing a more customer focused approach to tenants.

5. Concluding comment

5.1 CIH is positive about proposals to ensure equality and diversity is integrated across the standards. This is a progressive and coherent approach which builds upon the equality strand specific approaches of the past two decades. An inclusive approach to equality and diversity recognises that in all areas of governance, management and service delivery, registered providers should be aware of equality issues in

7 Kent Smith J (2008) Customer Insight, Good Practice Briefing No 32, Coventry, CIH
their diversity. CIH believes that providers who are active in working with their staff and tenants on improving equality and diversity outcomes will see important business benefits. CIH recognises that this can play a key role in promoting understanding and good relations between people who have different backgrounds and experiences, and this enhances the quality of life in local areas.

5.2 CIH welcomes TSA’s aspiration to identify ‘existing sources of good practice on equality and diversity’ broadly (p33); and to disseminate ‘lessons learned’ from diversity in local standard pilots (p33). Building capacity throughout the registered provider sector through the dissemination of good practice will be a necessary adjunct to a robust regulatory framework.

5.3 As regulator for the sector, the TSA has a key role in leading the housing sector in relation to equality, diversity and human rights, and the key to making a positive difference to the quality of people’s lives starts with a regulatory framework and an approach to regulation that has equality and human rights at its core.

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The Chartered Institute of Housing (CIH) is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 22,000 people – both in the public and private sectors – living and working in over 20 countries on five continents across the world. We exist to maximise the contribution that housing professionals make to the wellbeing of communities.

CIH provides a wide range of services available to members, non-members, organisations, the housing sector and other sectors involved in the creation of communities. Many of our services are only available to CIH Members, including discounts. Our products and services include:

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