

Agenda item: 3**Joint Housing Policy & Delivery Group – Meeting on 7 November 2018****Race Equality Action Plan****Introduction**

1. This paper sets out the background to the Scottish Government's Race Equality Action Plan and focusses on the actions under the Housing Theme which cover planning for the delivery of new homes, social housing, private rented sector and Gypsies/ Travellers. A specific action is to ensure that JHPDG has a renewed focus on the specific needs of minority ethnic communities.

Background

2. The Race Equality Action Plan (REAP) was published in December 2017. It sets out more than 120 actions that the Scottish Government will take over the course of this Parliament to secure better outcomes for ethnic minorities in Scotland. <https://beta.gov.scot/publications/fairer-scotland-race-equality-action-plan-2017-2021-highlight-report/>

3 The Scottish Government acknowledges that inequalities remain in many areas of life for minority ethnic people in Scotland. Within our minority ethnic communities many people continue to face poorer outcomes than the majority of Scots, including higher risk of poverty and in-work poverty, lower employment rates, and under-representation in political and public life as a whole. REAP sets out the key actions for the Scottish Government to drive positive change for minority ethnic communities.

4. In developing this Action Plan, we have drawn heavily on the report by Kaliani Lyle, the Independent Race Equality Adviser, and in particular her recommendations for actions. The Scottish Government accepted all 72 of her recommendations and shares her view that the actions can begin to make progress in tackling racial inequality in Scotland. We recognise, as she does, that they do not tackle every aspect of inequality, but rather are a platform from which further actions can be progressed.

5. The Action Plan spans the lifetime of this Parliament, up to 2021. We will produce a new Action Plan to cover the next Parliamentary term, to ensure that our focus on tackling racism and working towards race equality continues at the same level, across all relevant areas of Government activity. In addition to the actions in the Plan, work is continuing on a range of further actions which were included in the Race Equality Framework.

Delivering the Actions

6. We have allocated over £2.6m in 2018/19 to fund organisations working to advance race equality and we have established a Programme Board to oversee the implementation of the Action Plan. The first meeting of the Programme Board was held on 22 August 2018. The next meeting is in November.

7. The Scottish Government will monitor and report on progress in a number of different ways:

- The Plan includes a Highlight Report which provides an update on actions.
- We have committed to holding an annual Race Equality Summit of key organisations and individuals, at which we will report on progress. The 2018 Conference will be held on 11 December 2018.
- We report to Parliament on progress with this Action Plan in early 2021, setting out our early thinking about the focus for the second Race Equality Action Plan, which will cover the period 2021-2026.

Housing

8. The Housing theme in the Plan highlights that: “a safe, secure, warm place to stay is the minimum we should all expect. Yet we know that people from minority ethnic communities are four times more likely to live in overcrowded homes than their white counterparts. They are also concentrated in the private sector, often in poorer quality housing stock”.

10. The actions identified follow the Independent Race Equality Adviser’s aims to both maximise the availability of good quality, affordable housing across all tenure types and increase the number of people from minority ethnic communities working in the housing sector. These are set out in Annex A along with an update on progress against a number of these.

Strategic Planning – Context

11. Local authorities have a statutory requirement to prepare a local housing strategy supported by an assessment of housing need and demand (HNDA). The HNDA estimates the future number of additional homes required and also captures information on the operation of the housing system to assist local authorities to develop policies on new housing supply, management of existing stock and the provision of housing-related services.

12. The Scottish Government has updated its HNDA Guidance in 2018, including strengthening the HNDA evidence-base, by ensuring that Local and Planning Authorities consult with individuals or representatives of those with a protected characteristic, about their accommodation needs, during the production of Housing Need and Demand Assessments.

13. Local Housing Strategies (LHS) are the sole strategic document on housing and housing related services across the local authority area. They include homelessness, housing support and fuel poverty. The LHS provides an opportunity to integrate a large number of important areas into one overarching document, to support the mainstreaming of strategic planning for housing and to enhance their corporate profile.

14. The Housing (Scotland) Act 2001 requires a local authority to state in its LHS how it will comply with its duty under Section 106 of the Act. Section 106 states that local authorities must exercise the functions conferred on them by the Act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements. The equal opportunity requirements are set out in the Equality Act 2010.

15. A refresh of the LHS guidance is also underway, with the intention to publish revised guidance in Spring 2019. This will present an opportunity to further improve and strengthen the guidance, to help ensure that the needs of Gypsy/Travellers are fully understood, considered and addressed as required.

16. Both the HNDA and the LHS strategy are reviewed by the Scottish Government. The Centre for Housing Market Analysis assesses the HNDA against a number of key processes and outputs and where it meets these requirements it is considered to be “robust and credible”. LHS’s are peer reviewed jointly by both local authority and Scottish Government officers to support good practice and continuous improvement.

Social Housing

17. The Scottish Social Housing Charter sets out the outcomes and standards that all social housing landlords should be achieving for their tenants and other customers. It includes an outcome on equalities. As part of the Scottish Government’s review of the Scottish Social Housing Charter in 2016 an “Involving All” consultation programme was carried out to assess its impact with tenants who might normally be excluded or find it difficult to get involved. This included sessions with minority ethnic tenants to inform the Charter review.

18. The revised Charter which came into effect on 1st April 2017 strengthened the Equalities outcome in the Charter by making it clear that this outcome should be reflected across all of a social landlord’s activities and Charter outcomes. The Scottish Housing Regulator is responsible for monitoring, assessing and reporting on how social landlords, individually and collectively achieve the Charter’s outcomes.

Private Rented Sector

19. In the 15 years between 1999 and 2015 the private rented sector has grown both proportionately and in absolute numbers. It has increased from 5% to 15% of all housing in Scotland with around 350,000 landlords across the country and 700,000 people making the sector their home.

20. Since the publication of its strategy for the private rented sector in 2013 (*A Place to Stay: a place to call home*), the Scottish Government has taken forward a wide range of actions aimed at improving quality and standards. These include the introduction of:

- the new Private Residential Tenancy giving tenants greater security, stability and predictability;
- registration and regulation of letting agents;
- new discretionary powers for local authorities to tackle poor conditions, statutory guidance to support local authorities to use their powers effectively to target enforcement against the minority of landlords who fail to comply with their obligations.
- New joint guidance for officers across agencies (Police, local authorities and judiciary) to support improved investigation and prosecution of landlords who provide poor quality accommodation and poor services to their tenants.

Taken together, these measures should have a positive impact on all tenants whose home is in the Private Rented Sector, including minority ethnic tenants.

Gypsy/Travellers

21. Gypsy/Travellers are one of the most marginalised communities in Scotland. Housing and wider accommodation issues are key elements of tackling this as part of a cross portfolio programme of work, involving planning, education, health, employability and social justice. The Minister for Local Government, Housing and Planning is part of the Ministerial Working Group on Gypsy/Travellers which will identify further action to improve outcomes for Gypsy/Travellers across Scotland. The Scottish Government's role is to set a robust framework and promote good practice. We want the most effective approaches to be used across the whole country to meet the needs of the Gypsy/Traveller community. Minimum site standards are now part of the Scottish Social Housing Charter overseen by the Scottish Housing Regulator (SHR).

Conclusion

22. You are invited to note the contents of this paper and to consider how, jointly, membership organisations of JHPDG can contribute to supporting the housing actions in the Race Equality Action Plan.

**Better Homes Division
Housing & Social Justice Directorate.**

Race Equality Action Plan – Housing Actions and update

Action	Update
Housing Supply	
<p><i>The Centre for Housing Market Analysis (CHMA) will update the Housing Need and Demand Assessment (HNDA) Tool and associated data by the end of 2017, and the tool will be supported by refreshed guidance. The refreshed guidance will include updates to areas that have generated consistent comments during the Robust and Credible appraisal process.</i></p> <p><i>Consideration will be given to making Consultation one of the Robust and Credible criteria on which the HNDA assessment is based, to ensure clarity around who has been consulted, how they were consulted and the findings from the feedback received. This should help to ensure that the evidence base for the HNDA is more informed and reflects more accurately the current and future need for housing and housing related services for all, including minority ethnic communities.</i></p>	<p>The HNDA tool and full suite of guidance has recently been refreshed to reflect the most recent applicable data, including a new count for 'existing need' and economic forecasts. The most significant change to the refreshed guidance is the inclusion of an enhanced requirement for local authorities to consult with stakeholders in relation to specialist provision housing, including gypsy traveller and Travelling Showpeople</p> <p>The HNDA Guidance is presented as three documents; Managers Guide, 'Practitioners Guide' and 'Tool Instructions' as well as an excel based Tool which is available for general use on the Scottish Government's website. Both the Guidance and the Tool will be re-visited following implementation of the Planning Bill and to ensure alignment with the forthcoming planning framework and revised Local Housing Strategy guidance.</p>
<p><i>We will review Local Housing Strategy (LHS) guidance in 2018-19 and this will be used to address areas of concern highlighted by the review process so far and other issues that have arisen since the guidance was last updated in August 2014. The guidance will also reflect all changes coming from the HNDA refresh and the planning review, as well as a range of other new or amended policies that impact on housing. We will reaffirm in the Housing Need and Demand Assessment and LHS guidance the expectation that local authorities fully</i></p>	<p>The LHS Guidance is currently being refreshed with a view to being published in Summer 2019. This timescale will allow the revised guidance to fully reflect relevant policy changes including the implementation of the Planning Bill. It will also allow for full consultation with local authorities, ALACHO, CoSLA and other stakeholders.</p>

<p><i>consider the requirement for larger accommodation, including for minority ethnic families and seek to address any identified need. The HNDA guidance is being refreshed now and the LHS guidance is to be refreshed 2018-19. The review process for the LHS will take this requirement into account when providing feedback to local authorities.</i></p>	
<p><i>We are working with Homes for Scotland, to develop better baseline information about skillsets, industry demographics, population representation levels, including for minority ethnic individuals and current and future skills requirements in industry over the coming year.</i></p>	<p>Communities analysts have developed evidence of workforce levels, demographics and gender distribution in the construction workforce (including housing delivery). The Short-life Working Group on Skills established in early 2018 is independently chaired by an academic who has been focusing on immediate, medium and longer-term challenges to the workforce as a whole and taking into account where possible the risks posed by Brexit to the sector. This work is due to conclude in early 2019 at which point Ministers and the government will receive the report and recommendations and thereafter work with industry and others to deliver on recommendations and needs across industry.</p>
<p><i>This baseline information will allow us to identify skills needs and gain a better understanding of current representation levels. We will then work together and with relevant skills providers to promote industry participation and opportunities in the industry's many roles and professionalisms to targeting specific demographics, including younger people, across traditional industry gender divides and minority ethnic communities.</i></p>	
<p>Social Housing</p>	
<p><i>Over the course of this Parliamentary term we will make the best use of available housing data and research to identify issues affecting minority ethnic communities and promote race equality. The Scottish Housing Regulator (SHR) will use the data and intelligence that it gathers on an on-going basis to inform its regulatory engagement to help ensure that social landlords meet the Scottish Social Housing Charter's standards and outcomes– including those on Equalities and Gypsy/Travellers.</i></p>	<p>In addition to recent work using their data and undertaking other research, the SHR published a report on 23 October 2018.</p> <p>SHR published a review report on 23 October 2018 highlighting the importance of social landlords meeting the standards and outcomes of the Scottish Social Housing Charter for Gypsy/Travellers in Scotland. It found that 13 of 27 sites actually met the minimum standards by the June deadline and has required action from those landlords whose sites did not comply;</p>

	<ul style="list-style-type: none"> • Those landlords whose sites are due to meet the minimum standards later in 2018 are required to inform SHR once this is complete. • Those landlords whose sites won't meet the minimum standards until 2019 or beyond are required to submit a detailed remedial plan by mid-November 2018. • Where a site fails to comply with the Minimum Standards on 'Safety and Security' landlords are required to provide SHR with assurance that this does not put residents at risk and that they are meeting their legal duties. <p>The Scottish Government is continuing to work collaboratively with SHR to ensure compliance as soon as possible.</p>
<p><i>In 2018-19 the SHR will review their Charter indicators, including those related to protected characteristics, in order to help identify further opportunities for improvements in performance against the equalities outcome in the Scottish Housing Charter. This will be subject to full and formal consultation with a view to introducing new or amended equalities indicators.</i></p>	<p>The SHR published an initial discussion paper in Spring 2018 to begin a debate in the social housing sector about their regulatory framework and Charter indicators including those related to equalities.</p> <p>This informed their thinking on the indicators prior to a formal consultation which was launched in October 2018.</p>
<p><i>By the end of 2018 we will include practice examples covering access for minority ethnic communities and individuals in the revised Social Housing Allocations Practice Guide.</i></p>	<p>The Allocations Practice Guide has been revised and updated and includes guidance on equalities issues including minority ethnic communities. It has been designed to offer practical assistance to staff with responsibility for reviewing, monitoring and updating the allocation policy and procedures for their organisations to ensure they comply with current legislation. The guide has been developed in conjunction with Local Authority and RSL stakeholders and is scheduled for publication in November 2018.</p>

Private Rented Sector	
<p><i>Working through the Private Rented Sector Investigations and Prosecutions Working Group, we will develop guidance to enable more effective enforcement and prosecution in the Private Rented Sector by March 2018.</i></p>	<p>Through collaborative working with Police Scotland, Crown Office and Procurator Fiscal's Office, Housing & Property Chamber of the First-tier Tribunal for Scotland and local authorities, the Scottish Government developed guidance for officers involved in compliance and enforcement in the Private Rented Sector. This was published at the end of August 2018.</p>
<p><i>Over the next twelve months we will identify and promote a wide range of measures to encourage and support the sharing of good practice across the sector to improve standards, and between local authorities in supporting minority ethnic landlords to understand their obligations and in providing minority ethnic tenants with information about their rights and share this more widely by supplementing the existing guidance.</i></p>	<p>We continue to encourage and support the sharing of good practice including the types of support that local authorities provide to enable minority ethnic landlords to understand their obligations and to inform minority ethnic tenants of their rights. The Scottish Government funded a Private Landlord Support Officer post in Glasgow City Council for a year following the success of the Shelter project with Dundee City Council. The positive impact of the work led both local authorities to make these posts permanent. The PLSOs work with landlords in their city to promote greater compliance with legal responsibilities. We will work with them to identify good practice and promote this through the national Landlord Registration Network.</p> <p>Glasgow City Council are due to submit a report to Scottish Ministers on the operation of the second Enhanced Enforcement Area in Govanhill by the end of 2018. Designation of an area as an EEA gives the local authority further robust powers to tackle poor housing quality and poor management standards in the PRS. Govanhill has a high proportion of PRS properties in poor repair, a high proportion of ME tenants and of ME landlords. GCC carried out inspections of all 300+ properties in the first enforcement area (granted in 2015) and found around 20% of those complied with the</p>

	<p>standards for the Private Rented Sector. On second inspection that had risen to 80%. In the second Enhanced Enforcement Area (around 1000) properties – first inspections have shown 80% compliance which suggests that the action taken by the City Council against those who failed to comply in the first area (including removing landlords from the register) has sent a clear message to other landlords in the area.</p>
<p><i>We will develop and implement a framework for gathering information to monitor the impact of new legislative changes on those living in the Private Rented Sector, including the impact on minority ethnic private tenants.</i></p>	<p>The Scottish Parliament Information Centre (SPICe) and the Collaborative Centre for Housing Evidence CaCHE) are working together to publish a framework for monitoring the Private Rented Sector. This was due to be published in September. Once this has been published, the Scottish Government will shape its own framework to complement the SPICe/ CaCHE approach and will include a focus on how the changes brought in by the new Private Residential Tenancy have impacted on minority ethnic tenants.</p>
<p><i>We will work with key stakeholders to deliver a communication strategy aimed at tenants, landlords, letting agents and the wider public to make them aware of the changes in the Private Rented Sector ensuring that relevant information is developed for minority ethnic landlords and tenants by engaging with key delivery partners.</i></p>	<p>We will make the training and information resources developed by Shelter more widely available, e.g. by linking to these on the Scottish Government website, and by working with stakeholders. Part of this work will focus on continuing to raise awareness of the new private residential tenancy with minority ethnic landlords and tenants. This will be part of the refreshed communications strategy for both the Private Residential Tenancy and Letting Agent Regulation which will run from Autumn 2018 to Spring 2019.</p> <p>We have placed links to the training and information resources developed by Shelter (with SG funding) on the SG website. We are in the process of having the model private residential tenancy and easy read notes translated into Urdu, Punjabi and Polish.</p>