



UK COLLABORATIVE
CENTRE FOR
HOUSING EVIDENCE

Race Equality in Housing

A Review of the Policy Approach in England, Scotland and Wales

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Executive Summary

Introduction

There are long-standing ethnic inequalities in housing in England, Scotland and Wales. These inequalities matter and there are good social justice reasons to promote greater equality in the housing system. It is also a legal requirement under the Equality Act 2010.

This study set out to understand how housing policy in England, Scotland and Wales is rising to this challenge. The focus was understanding the policy approach to protecting people from discrimination and advancing race equality in the housing system.

Approach

The research approach centred on a desk based exercise that involved identifying, collating and analysing publicly available information and evidence. More than 20 semi-structured interviews were also conducted with key policy and practice stakeholders across England, Scotland and Wales. Finally, a review was conducted of the rich historical evidence base of research and analysis, evaluation and good practice on race equality and housing generated from the 1970s through to the 2000s. This provided a useful counterpoint against which to judge contemporary policy and practice, and a rich source of ideas for addressing observed weaknesses and failings.

Findings

The study was framed by four key questions, which served to focus attention on the key components of a framework for understanding and responding to ethnic inequalities in housing and promoting race equality.

1. What is the stated position and priorities of national housing policy in relation to race equality in housing? The focus here is on national policy statements, which outline government thinking about the problems demanding attention, their nature and causes, and potential solutions; assert key objectives, plans and proposals; and frame policy-making, regulation and practice.

National policy statements in England do not recognise race equality in housing as a priority concern. There is no attempt to outline what equality of opportunity means within the contemporary housing system, what factors are undermining equality and fairness, and what steps should be taken to promote greater equality.

National housing policy statements in Scotland and Wales recognise race equality in housing as a priority and outline an understanding of equality of opportunity consistent with the Equality Act. This includes recognising the role played by direct and indirect discrimination. This commitment is not fully embedded within housing policy and there is a recognised need for greater understanding of the factors driving ethnic inequalities and the interventions required to promote greater equality and fairness in the housing system.

These different positions on race equality in housing within national policy statements help explain the different emphasis and approach in England, Scotland and Wales to understanding ethnic inequalities, regulating to promote equality and mainstreaming equality within housing policy initiatives.

2. What data and evidence is available about diversity and difference in housing and the factors driving inequalities, including discrimination and racism? How a problem is defined and understood is a key determinant of the policy response.

There is a lack of attention to ethnic inequalities in housing within contemporary research and analysis. There is a shortage of relevant secondary data to facilitate robust quantitative analysis at different geographical scales and of different ethnic groups. There are notable deficits in the contemporary evidence base as a result of a failure to commission and fund exploratory research. Local analysis tends to be focused on monitoring housing market dynamics rather than sensitising policy toward the housing aspirations and needs of different communities and groups. There is a lack of systematic monitoring of the performance of housing organisations on race equality and a shortage of good practice guidance about tackling discrimination and promoting equality of opportunity in housing.

Key questions that remain unanswered include: what are the causes of ethnic inequalities in housing; is contemporary housing policy and practice helping to reduce or serving to exacerbate these inequalities; and what works in tackling inequalities and promoting greater equality and fairness in the housing system?

These deficits in understanding are recognised as a problem to be addressed in Scotland and Wales in order to deliver upon a stated commitment to race equality. To this should be added a more explicit commitment to performance monitoring and evaluation as part of a more equality-informed regulatory regime. In England, these deficits are not formally acknowledged as a problem to be addressed.

3. How does regulation of the housing system challenge discrimination and promote race equality?

Regulation is a key mechanism used by governments to achieve policy objectives. Regulation is typically characterised by a set of rules and behaviours that people and organisations are expected to follow. The focus here is on attention to race equality in social housing regulation.

Regulatory frameworks foreground equality of opportunity within consumer standards, particularly in Scotland and Wales. There is also increased attention to equalities within regulatory guidance on good governance in England. However, there is little evidence of regulators taking action to challenge poor performance or promote good practice in relation to equality of opportunity. The annual assurance process does not directly address equality and fairness and standard data returns social landlords are required to submit annually to the regulator do not collect information on equalities issues, beyond the recent requirement in Scotland that landlords submit profile data. As a result, it is difficult to comment on whether people are being treated equally and fairly, or to what extent (direct and indirect) discrimination remains a feature of the social housing sector in England, Scotland and Wales.

Regulating for equality would involve: a clearer and more explicit statement of expectations consistent with duties under the equality act; attention to equalities issues within performance monitoring; a programme of targeted reviews and regulatory action in response to evidence of underperformance; and the provision of good practice advice and guidance to support the role of boards and leadership teams within the co-regulatory approach.

4. How is race equality mainstreamed within national housing policy? The focus here is on means and mechanisms through which national housing policy initiatives promote equality of access to associated benefits and tackle long-standing inequalities. The case study focus is on the Help to Buy programme.

There is no evidence that promoting fair and equal access to the benefits of the scheme were key considerations in the design and delivery of Help to Buy. Equality of opportunity appears to have been equated with treating everyone the same and presumed to be guaranteed by the scheme being open to anyone who met the affordability criteria, simple to understand and easy for applicants to access. The possibility that rules or arrangements that apply to everyone can put some people at an unfair disadvantage does not appear to have been considered.

There is no evidence that the Help to Buy scheme sought to address deep-seated inequalities in access to home ownership by actively promoting the scheme to groups traditionally under-represented in the sector. This is despite such positive actions being supported by the Equality Act and consistent with guidance from HM Treasury for policy interventions to look for positive opportunities to promote greater fairness for protected groups.

It is not possible to comment on whether this approach ensured equality and fairness in access to the benefits of the largest government housing initiative of recent years because ethnic monitoring data was not collected from applicants or beneficiaries of the scheme.

Conclusion

Ethnic inequalities in housing were previously understood to be the product of various factors that served to constrain choices within the housing system. These included the discriminatory practices of key agents in the housing system. Overtime, discrimination and exclusion were challenged and difference was increasingly accommodated within policy. Minority ethnic households continued to encounter barriers to meeting housing needs and aspirations, but the general process was one of progress toward greater equality of opportunity.

Attention to race equality in housing has since waned, despite ethnic inequalities remaining a feature of the UK housing system. Whereas once there was a wealth of research and analysis, this study confirms reports that there is now a dearth of up-to-date studies and a related scarcity of evidence and data (Shankley and Finney, 2020). Whereas once policy and practice recognised and actively sought to tackle ethnic inequalities in housing, this study confirms suggestions that these inequalities are now a marginal concern (Powell and Robinson, 2019).

These broad conclusions mask some important nuance. In particular, there has been a renewed commitment to race equality in Scotland and Wales. Recent policy statements recognise race equality in housing as a priority, although this commitment is yet to be fully embedded within housing policy and practice. In contrast, national policy statements in England do not recognise race equality in housing as a priority. This helps to explain limited attention to the issue within the regulatory regime for social housing and the design and delivery of the Help to Buy scheme.

The implications of these developments are difficult to unpick because a lack of monitoring, analysis and evaluation makes it difficult to determine whether housing policy and practice in the three nations is effectively protecting people from discrimination and promoting equality of opportunity as required by the Equality Act.

A final lesson to be drawn from this study is that, in the absence of contemporary evidence of what works, why, where and when, much can be learnt about promoting equality in housing from revisiting the rich historical evidence base of research and analysis, evaluation and good practice on race equality and housing generated from the 1970s through to the 2000s by research charities, regulatory and funding bodies, central and local government, campaign groups and housing academics.

Introduction

There are long-standing ethnic inequalities in housing in the UK. Minority ethnic groups are more likely to live in poor quality housing, in more deprived neighbourhoods and less likely to be home owners (Shankley and Finney, 2020). These inequalities are more than merely a product of preference and choice. Struggles over resources – including education, employment, income and wealth – continue to shape housing opportunities. The crude racism that was central to ethnic differences in housing options and outcomes in the past might have reduced over recent decades, but policy and practice continue to have unintended consequences that disadvantage particular groups (Phillips, 2015). All of these factors inform ethnic inequalities in housing.

These inequalities matter. The housing people live in impacts on what they can do. It affects access to opportunities, including jobs, education and services. It informs health and wealth. There are therefore good social justice reasons for acknowledging ethnic inequalities and working to promote greater equity and fairness in the housing system. It is also a legal requirement.

The Equality Act (2010) requires all organisations to protect people from discrimination, harassment and victimisation when they use their services. Part 4 of the equality act explicitly prohibits discrimination against a person on the basis of a protected characteristic (including ethnicity and race) by anyone letting out or managing accommodation. Four specific forms of discrimination are prohibited by the Act:

- Direct discrimination – being treated less favourably because of a protected characteristic
- Harassment – creating a hostile, intimidating, degrading or offensive environment for a person related to a protected characteristic
- Victimisation – when a service provider subjects a person to detriment (bad treatment) because of a complaint about discrimination or for offering assistance to someone who has experienced discrimination
- Indirect discrimination – where a policy or practice is applied the same way for everyone but disadvantages people with a particular protected characteristic

In addition, the public sector equality duty requires public bodies – including national and local government, regulatory bodies and social landlords – to work to advance equality of opportunity when carrying out their activities.

This study explores how housing policy is rising to this challenge and protecting people from discrimination and advancing equality of opportunity in housing system. The focus is on understanding the policy approach to exposing, explaining and tackling ethnic inequalities and promoting race equality in the housing system. The study was framed by three broad objectives:

1. To clarify policy understandings of ethnic inequalities and the policy commitment to equality and fairness in housing
2. To chart the ways in which housing policy is promoting equality and fairness in the contemporary housing system
3. To determine what steps housing policy is taking to address entrenched, long-standing ethnic inequalities in housing

The study compares and contrasts the situation in England, Scotland and Wales in recognition of the fact that housing is a devolved responsibility and there is increasing divergence in policy and practice within the UK.

Ethnic inequalities in housing: some basic facts

There are notable ethnic inequalities in the housing system. All minority ethnic groups are more likely than the White British group to be living in housing disadvantage and deprivation. Some key dimensions of these inequalities are profiled below. References to ethnic groups reflect categorisations used in the datasets and reports cited.

Tenure

All minority ethnic groups are less likely than the White population to be owner occupiers, with the exception of the Indian group (Table 1.1). All minority ethnic groups are more likely to live in the private rented sector, which is characterised by greater insecurity than home ownership and social renting and is also the sector with the highest proportion of stock failing to meet the government's decent homes standard.

Table 1.1 Housing tenure in the UK by ethnicity of Household Representative Person (HRP)

ETHNIC GROUP	TENURE (%)			TOTAL HOUSEHOLDS
	OWNER OCCUPATION	PRIVATE RENTING	SOCIAL RENTING	
White	66	16	16	23,712,000
Mixed or multiple	44	28	25	211,000
Indian	67	24	7	529,000
Pakistani	60	23	16	287,000
Bangladeshi	44	24	33	131,000
Other Asian	48	35	15	348,000
Black	29	21	48	704,000
Other	32	29	26	359,000

Source: Barton (2017)

Overcrowding

Analysis of housing disadvantage in England and Wales has found that all minority ethnic groups have higher levels of overcrowding than the White British group across all types of location (Lymperopoulou and Finney, 2017). This is partly explained by lower home ownership rates among most minority ethnic people and higher levels of private renting, where overcrowding levels are much higher. Analysis of the 2011 Census revealed that that Bangladeshi (41%), Pakistani (32%) and Black African (32%) households experienced the highest levels of overcrowding, and that the White British (5%) group experienced lowest levels of overcrowding (Shankley and Finney, 2020). Analysis in Scotland has revealed similar large variations in overcrowding between different ethnic groups, with the White Scottish (8%) and White Other British (6%) groups being least likely to be overcrowded (Scottish Government, 2021c). A lack of high quality data make it difficult to unpick the reasons why some ethnic groups are disproportionately affected by overcrowding and appreciate the full impacts (Addison et al., 2022; Shankley and Finney, 2020). However, it is clear that the housing system is not meeting the needs of certain minority ethnic groups in Britain.

Housing deprivation

Analysis of the 2011 Census has revealed that in England and Wales all minority ethnic groups, with the exception of the Indian and Black Caribbean groups, are more likely than the White British population to experience housing deprivation (overcrowding, having no central heating or living with another household) (de Noronha, 2015). This is the case even after tenure, age, social status, region of residence, household type and migration history are taken into account. Three particular ethnic groups are revealed to be most likely to experience housing deprivation: White Gypsy and Irish Traveller households are seven and a half times more likely to experience housing deprivation than White British households; Black African households are 75 per cent more likely to experience housing deprivation than White British households; and Bangladeshi households are 63 per cent more likely to experience housing deprivation than White British households (de Noronha, 2015).

Homelessness

Minority ethnic groups experience higher levels of homelessness than the White British population. In Scotland, 18 per cent of homeless applicants are from a minority ethnic (non-White Scottish or Other British) group, despite representing only eight per cent of the adult population according to the 2011 Census (Scottish Government, 2021d). In England in 2017/18, 56,580 households were recognised as being 'statutory homelessness'. Ethnicity data were collected from 52,950 of these households. Over one-third (34%) were from a (non-White) minority ethnic group (MHCLG, 2020a), despite only representing 15% of the population of England and Wales (ONS, 2021). Official data also reveals higher levels of homelessness amongst the minority ethnic population of Wales (Welsh Government, 2021a).

Place of residence

Analysis in England has revealed that minority ethnic groups are more likely than the White British population to live in the most deprived 10 per cent of neighbourhoods, with the exception of the Indian, Chinese, White Irish and White Other groups (MHCLG, 2020). Pakistani and Bangladeshi people are more than three times more likely than White British people to live in the most deprived 10 per cent of neighbourhoods in England. A similar picture is revealed by the Welsh Index of Multiple Deprivation, with more than one in five people from a minority ethnic group in Wales living in the 10 per cent most deprived neighbourhoods, compared to 8.3 per cent of the White population (StatsWales, 2020). In Scotland, people describing themselves as African, Caribbean or Black are much more likely to be living in the most deprived areas (Walsh et al, 2019). Analysis of the 2011 Census revealed that in Glasgow 28 per cent of African, 17 per cent of Caribbean, 12 per cent of White Other and 12 per cent of Other Asian groups were living in the 10 per cent most deprived neighbourhoods in the city, compared to 10% of the White Scottish population (Kelly and Ashe, 2014).

Research questions

The study was framed by four key questions, which served to focus attention on the key components of a framework for understanding and responding to ethnic inequalities in housing and promoting race equality:

1. **What is the stated position and priorities of national housing policy in relation to race equality in housing?** The focus here is on national policy statements, which outline government thinking about the problems demanding attention, their nature and causes, and potential solutions; assert key objectives, plans and proposals; and frame policy-making, regulation and practice.
2. **What data and evidence is available about diversity and difference in housing and the factors driving inequalities, including discrimination and racism?** How a problem is defined and understood is a key determinant of the policy response. This question was posed in response to the suggestion that the reasons for ethnic inequalities in the contemporary housing system are difficult to unpick, in part because of a lack of attention to this issue within research and analysis, and a related scarcity of evidence and data (Shankley and Finney, 2020).

3. **How does regulation of the housing system challenge discrimination and promote race equality?** Regulation is a key mechanism used by governments to achieve policy objectives. Regulation is typically characterised by a set of rules and behaviours that people and organisations are expected to follow. The focus here is on attention to race equality in housing regulation.
4. **How is race equality mainstreamed within national housing policy?** The focus here is on means and mechanisms through which national housing policy initiatives promote equality of access to associated benefits and tackle long-standing inequalities.

A case study approach was taken to exploring questions 3 (regulation) and 4 (mainstreaming). The regulation of equality within the housing system was explored through a focus on the regulation of social housing, a sector bound by the public sector equality duty and with a history of working to expose and address discrimination and disadvantage within policy, practice, procedure and outcomes. The mainstreaming of race equality within housing policy was explored through a focus on the Help to Buy programme, one of the largest publicly funded interventions in the housing system over the last decade.

The approach to answering these questions centred on a desk based exercise that involved identifying, collating and analysing publicly available information and evidence. More than 20 semi-structured interviews were also conducted with key policy and practice stakeholders across England, Scotland and Wales from government, regulatory agencies, representative bodies, professional organisations, and the BME housing and race equality sectors. Finally, a review was conducted of the rich historical evidence base of research and analysis, evaluation and good practice on race equality and housing generated from the 1970s through to the 2000s by housing academics, research charities, regulatory and funding bodies, central and local government and campaign groups. The insights to emerge from this evidence base provided a useful counterpoint against which to judge the contemporary approach, and a rich source of ideas for addressing observed weaknesses and failings. Further information about the research approach can be found in Appendix 1.

What about practice?

The focus of the study is the national policy framework, specific policy initiatives and regulatory practice. Initially, the intention was to also review innovations in practice focused on tackling ethnic inequalities and promoting race equality in housing. However, an initial scoping review found little or no contemporary evidence of good practice in designing and delivering targeted interventions to address inequalities, tackle discrimination and promote equality.

This is not to suggest that good practice does not exist. Indeed, stakeholders interviewed during the study flagged examples of innovation, often developed by individual organisations at the local level. The point is that there was no contemporary evidence base of good practice for this study to review; good practice advice and guidance is notable by its absence across the three nations. This is a notable finding in itself, which is returned to in chapter 3 (data and evidence) and chapter 4 (regulation). Unfortunately, it was beyond the scope of this study to generate this evidence base from first principles.

Structure of the report

Each research question is the focus of a dedicated chapter. Chapter 2 focuses on race equality in national policy statements; chapter 3 discusses available data, evidence and information; chapter 4 focuses on the regulation of social housing; and chapter 5 addresses the Help to Buy programme.

Chapters 3-5 follow a similar format. The policy approach in England, Scotland and Wales is outlined, compared and contrasted, and commonalities and particularities noted. Strengths and weaknesses of the current approach are

flagged. Attention then turns to consider what a more responsive approach to race equality might look like. A series of options for consideration are presented, rather than providing firm recommendations. These draw upon lessons from the past, generated through a review of historical evidence base of innovation and good practice in housing policy and practice. A final chapter summarises the key headlines to emerge and reflects upon options and possibilities for moving forward with efforts to promote race equality in housing.

A note on terminology

Various terms have been used to describe minority ethnic groups in the UK. Examples include ethnic minority, BME (Black and Minority Ethnic), BAME (Black, Asian and Ethnic Minority), non-White and people of colour. Various problems have been identified with these terms. In particular, the way in which they deny difference by combining together people from a diversity of backgrounds, and the fact that few people actually identify with these terms (Khunti et al., 2021). This study acknowledges the importance of awareness to diversity and difference in histories, circumstances and identities, but also recognises that it is not always possible to be specific about ethnicity, not least because of the limitations of available data. In such circumstances, the collective term used in this study is 'minority ethnic'. This term is preferred for a number of reasons. First, it recognises all minority ethnic groups, including those typically neglected when using terms such as non-white (for example, the gypsy and traveller population). Second, minority ethnic is preferred to ethnic minority to avoid the implication that 'minorities' are the only group to possess an ethnicity (Ratcliffe, 1996). The term minority ethnic infers that everyone has an ethnicity but that some groups are larger or smaller than others in a given setting. In the UK, at the national level, the White British ethnic group is the majority, but other groups might be the majority in particular neighbourhoods, towns or cities.

This study employs the notion of race equality implicit within the Equality Act 2010. The Act recognises race as a protected characteristic and outlaws discrimination against people because of their race. According to the Equality and Human Rights Commission, in this context, race is defined as meaning colour, nationality, ethnic or national origin, and ethnic or racial groups. This definition captures both self-defined ethnicities, and racial differences that are socially constructed for the purpose of discrimination. Race equality is about tackling discrimination and disadvantage and acting to promote equality.

2. Ethnic inequalities in housing: the national policy position

Summary

- national policy statements outline government objectives, plans and proposals and frame policy-making, regulation and practice
- there are policy statements in all three nations that acknowledge ethnic inequalities in housing, but there is little discussion about causes
- race equality in housing is identified as a strategic priority in Scotland and Wales; housing policy statements in England are largely silent on the issue
- housing policy statements in the three nations rarely consider the implications of the Equality Act for housing policy and practice
- policy statements are relatively silent about experiences of discrimination and racism within the housing system
- there are few examples in policy statements of specific priorities, initiatives or actions on race equality, beyond calls for a better understanding of the issue

Introduction

National policy sets the guiding principles, key priorities and course of action to be followed by national governments and their partners within the policy hierarchy. National policy is outlined in a series of statements, including White and Green Papers and other policy documents. These published statements reflect government thinking about what problems demand attention, their nature and causes, and potential solutions. They outline government objectives, plans and proposals and frame policy-making, regulation and practice.

This chapter presents an audit of policy statements produced by the Scottish, Welsh and UK governments and their attention to ethnic inequalities in housing and commitment to race equality. The focus is on *stated* positions and priorities. This descriptive review helps to frame and situate findings presented in subsequent chapters, which focus on particular aspects of policy and practice.

The review involved subjecting the most recent government policy statements on housing and race equality for England, Scotland and Wales to content analysis. The approach was framed by attention to five key issues: (i) Acknowledgement of ethnic inequalities in housing; (ii) Recognition or consideration of the causes of inequalities; (iii) Commitment to race equality as an explicit objective and priority; (iv) Attention to duties under the Equality Act – eliminating discrimination; advancing equality of opportunity; and meeting the specific needs of particular groups where these are different from other people; and (v) Specific proposals for promoting race equality in housing.

Table 2.1: Attention to ethnic inequalities in key national housing policy statements

Housing Policy Statement	ETHNIC INEQUALITIES RECOGNISED	CAUSES OF INEQUALITIES IDENTIFIED	RACE EQUALITY A STRATEGIC PRIORITY	ATTENTION TO EQUALITY DUTIES			SPECIFIC INTERVENTIONS PROPOSED
				ELIMINATING DISCRIMINATION	ADVANCING EQUALITY OF OPPORTUNITY	MEETING SPECIFIC NEEDS	
ENGLAND							
Fixing our Broken Housing System – White Paper (2017)	x	x	x	x	x	x	x
A new deal for social housing – Green Paper (2018)	√	x	x	x	x	x	x
The Charter for Social Housing Residents – White Paper (2020)	x	x	x	x	x	x	x
Levelling Up – White Paper (2022)	√	x	x	x	x	x	x
A Fairer Private Rented Sector (2022)	√	x	x	x	x	x	x
SCOTLAND							
Housing 2040 – national housing strategy (2021)	√	x	√	x	√	√	x
A New Deal for Tenants. Draft Strategy Consultation Paper – (2021)	√	x	√	x	√	x	x
Review of the Scottish Social Housing Charter – A Consultation – (2021)	x	x	√	x	√	x	x
WALES							
Homes for Wales: A White Paper for Better Lives and Communities. (2012)	√	x	√	x	x	x	x
Renting Homes A better way for Wales – White Paper (2013)	x	x	x	x	x	x	x

Table 2.2: Attention to ethnic inequalities in key race equality statements

		ETHNIC INEQUALITIES RECOGNISED	CAUSES OF INEQUALITIES IDENTIFIED	RACE EQUALITY A STRATEGIC PRIORITY	ATTENTION TO EQUALITY DUTIES		
					ELIMINATING DISCRIMINATION	ADVANCING EQUALITY OF OPPORTUNITY	MEETING SPECIFIC NEEDS
Race Equality Policy Statement							
ENGLAND							
Inclusive Britain: government response to the Commission on Race and Ethnic Disparities (2022)	Housing	x	x	x	x	x	x
	General	√	x	√	√ (direct)	√	x
SCOTLAND							
Race Equality Framework for Scotland 2016-30 (2016); A Fairer Scotland for All: Race Equality Action Plan 2017-21 (2017); Race Equality Immediate Priorities Plan (2021)	Housing	√	x	√	x	√	√
	General	√	√	√	√	√	√
WALES							
An Anti-Racist Wales – Race Equality Action Plan for Wales (2021)	Housing	√	x	√	√	√	√
	General	√	√	√	√	√	√

Overview

The findings of this exercise are summarised in Tables 2.1 (housing policy statements) and 2.2 (race equality statements). The key headlines to emerge in relation to the five issues framing analysis are presented below.

1. Acknowledgement of ethnic inequalities in housing

- There are policy documents in all three nations that recognise ethnic inequalities in housing. In Scotland and Wales, broad housing policy statements recognise ethnic inequalities as a feature of the housing system. However, some of the more specific policy statements in both nations do not directly address these inequalities.
- In England, the most recent housing white paper (2017) does not acknowledge or address ethnic inequalities, although the white paper on the proposed charter for social housing residents recognises inequalities in the social housing sector.
- Race equality statements in Scotland and Wales recognise ethnic inequalities in housing. Housing does not feature as a specific theme in the UK government's 'Inclusive Britain' paper.

2. Recognition or consideration of the causes of inequalities

- A notable absence from housing policy statements across all three nations is any attempt to consider or reflect upon the factors driving ethnic inequalities in housing.
- Race equality statements consider the factors informing ethnic inequalities in wider society and, in Scotland and Wales, within the housing system.

3. Commitment to race equality as an explicit objective and priority

- Race equality in housing is identified as a strategic priority in Scotland and Wales
- Race equality is not identified as a strategic priority in England.

4. Attention to duties under the Equality Act

- The policy documents reviewed pay little explicit attention to duties under the Equality Act. The implications of the equality duty are rarely related to housing policy or practice within housing policy statements, the exception being attention to advancing equality of opportunity within Scottish housing statements.
- Race equality statements are more explicit in addressing responsibilities under the equality duty in housing and more broadly, particularly in Scotland and Wales.

5. Specific proposals for promoting race equality in housing

- There is a dearth of proposals, examples of options and possibilities or illustrations of good practice in relation to promoting race equality in housing within all the documents reviewed.

Commonalities and particularities across the three nations

Three notable themes emerged from this analysis of key policy statements.

Divergence across the nations

There appears to be increasing divergence between the government outlook in England, on the one hand, and Scotland and Wales, on the other. In England, there has been a notable shift in the government position on race equality and housing over the last 15 years. Housing policy statements are now largely silent on the issue of ethnic inequalities in housing and race equality is not evident as a priority in any of the statements analysed. Furthermore, the only reference to housing in the most recent government statement on race equality is a comment that minority ethnic groups are benefitting from the Help to Buy programme, an issue to which we will return in Chapter 5.

Two recent government statements recognise ethnic inequalities in housing in the English context. The levelling-up White Paper spotlights variations in overcrowding by ethnicity and the fact that people from Pakistani and Bangladeshi ethnic groups are more likely than White British people to live in the most deprived 10 per cent of neighbourhoods. The white paper 'A fairer private rented sector' (June 2022) recognises that private rented tenants are more likely to come from "a Black or other minority ethnic background". However, in common with the other UK government statements analysed, these White Papers do not identify race equality as an explicit objective and priority; do not explicitly address duties under the Equality Act to eliminate discrimination, advance equality of opportunity and meet the specific needs of groups; and do not propose specific actions or interventions.

It is difficult to discern from the policy statements reviewed what understanding of equality of opportunity informs housing policy in England. The situation in Scotland and Wales is somewhat clearer, with evidence of increasing government commitment to race equality in housing. In Wales, the race equality action plan, published by the Welsh Government in 2021, signals a renewed commitment to race equality in housing. The action plan re-engages with themes and priorities that were central to the Welsh Government's 2002 minority ethnic housing action plan, which were neglected in the 2012 Home for Wales white paper and the 2013 Renting Homes white paper. It recognises housing as key policy theme, acknowledges ethnic inequalities within the housing system and reflects on their causes, including the role of (direct / indirect) discrimination. The report identifies a series of housing policy goals, actions, timelines and outcomes that aim to address discrimination, promote equality and address specific needs.

In Scotland, Housing 2040, the national housing strategy (2021a), acknowledges ethnic inequalities in housing, commits to an equalities-led approach, tackling the barriers that limit access to housing opportunities for minority ethnic communities and is explicit in its commitment to meeting the particular needs of minority ethnic groups. Proposals for specific interventions are limited, beyond taking an 'equalities-led approach', but there is an underpinning commitment to better understand the drivers of inequality, for example, through an equalities audit of housing and homelessness legislation and available remedies for violations of housing rights.

Causes of inequalities

A second key theme to emerge from the review was the limited attention paid to causes; to the factors driving ethnic inequalities in housing. In particular, there is a relative silence regarding experiences of (direct or indirect) discrimination or (individual, institutional or structural) racism within the housing system. This was most marked in England, where recent housing policy statements are largely silent on the issue of discrimination. Structural forms of racism are deemed not to exist and crude racist practices are seemingly a thing of the past, a position reflected in the government's acceptance of the Sewell commission's conclusion that "*where persistent disparities between ethnic groups do exist, they are more likely to be caused by factors other than racism and discrimination.*" (HM Government, 2022; page 12).

In Scotland, the Government's Race Equality Immediate Priorities Plan (2021b) commits to taking an anti-racist position,

and asserts that this involves acknowledging the existence of “*formal and informal structural, institutional and cultural processes that place minority ethnic and migrant groups at a disadvantage within Scotland in relation to the majority*” (page 5). However, Housing 2040, the national housing strategy, makes no reference to racism as a challenge to be recognised and addressed in delivering equality in the housing system. The reasons for this apparent mismatch are unclear, but could be a product of an acknowledged lack of information and understanding about minority ethnic housing experiences and barriers encountered in the housing system. The only document reviewed that makes explicit reference to the impact of racism and the need to tackle racial discrimination in the housing system is the race equality action plan for Wales. It remains to be seen if this commitment to tackling racism will be rolled forward into the housing white paper in Wales that is expected to be published sometime in the term of the current government (2021-2026).

Plans and action

A third notable theme to emerge from analysis of national policy statements is the absence of specific initiatives, actions and interventions. The explanation in England is relatively straightforward; race equality in housing is not a policy priority. In Scotland and Wales, recent policy statements commit to an equalities-led approach and to tackling discrimination, but there is limited evidence of these commitments being translated into specific priorities and initiatives, beyond frequent calls for a better understanding of minority ethnic experiences and barriers to housing.

The situation in Scotland and Wales could reflect the position in the policy cycle in the two nations, with the (re)engagement with race equality in housing yet to move from description to prescription; from agenda setting to implementation. Perhaps it also reflects limited knowledge and understanding of the causes of the problem and the factors undermining equality and fairness in housing opportunities (see chapter 3). Another possibility is a lack of understanding, clarity or agreement about what to do; about how to translate policy objectives into practical actions designed to deliver positive change. The relative scarcity of good practice information and advice, discussed in Chapter 3, certainly hints at a lack of knowledge and expertise about what works where, when, why and how in tackling ethnic inequalities and promoting race equality.

Conclusion

National policy statements frame the focus and emphasis of policy and practice. They assert the principles of the national policy approach, outline government priorities and propose specific actions. Housing policy statements in England do not recognise race equality as a priority concern. There is no attempt to outline what equality of opportunity means within the contemporary housing system, what factors (including discrimination) might be undermining equality and fairness, and what steps should be taken to promote greater equality.

In contrast, policy statements in Scotland and Wales have in recent years recognised race equality in housing as a priority. An understanding of equality of opportunity is outlined that is consistent with the Equality Act and recognises the impact of both direct and indirect discrimination. This commitment is not fully embedded within housing policy and there is a recognised need for greater understanding of both the factors driving ethnic inequalities and the interventions required to promote greater equality and fairness in the housing system.

This divergence in the attention paid to race equality in housing within government programmes in England, Scotland and Wales is notable and significant. National policy statements frame the focus and emphasis of policy and practice. We should therefore expect the different perspectives and positions outlined in this Chapter to be reflected in different approaches across the three nations to understanding ethnic inequalities, regulating to promote equality and mainstreaming equality within housing policy initiatives. The following chapters explore this terrain.

3. Understanding ethnic inequalities in housing: data, evidence and analysis

Summary

- research and analysis is key to understanding a problem and devising a response
- the Census and other national surveys provide useful headline data about ethnic inequalities in housing but these sources can be out of date and have gaps in coverage
- official analysis of ethnic inequalities in housing often has a narrow focus on topics such as overcrowding, tenure, and housing conditions
- little exploratory research is being commissioned or funded into the causes and experiences of ethnic inequalities in housing
- government guidance has steered local authority housing research away from efforts to understand the housing needs of different groups and communities and toward housing market analysis
- there is a notable lack of published data on the performance of housing organisations on race equality
- there are few examples of studies evaluating policy and practice initiatives and generating good practice guidance
- three key questions remain unanswered: why are there ethnic inequalities in housing and what are the driving factors; is contemporary housing policy and practice helping to reduce or exacerbating inequalities; and what works in tackling inequalities and promoting greater equality and fairness in the housing system?
- a focus on data transparency in England is not matched by efforts to understand causes, consequences, or possible action
- improvements in research and analysis are recognised as necessary to support efforts to promote race equality in housing in Scotland and Wales

Introduction

Data, evidence, information and its analysis is vital to recognising and defining a problem, understanding its causes, devising a policy response and monitoring the effectiveness of efforts to improve the situation. This chapter explores the availability of administrative data, commissioned surveys, research evidence and evaluations that seek to profile and understand ethnic inequalities in housing, and analyse the effectiveness of policy and practice responses.

First, the existing evidence base is profiled and its relative strengths and weaknesses considered, including what information is and is not collected. This section also considers differences and commonalities across the three nations. Throughout, reflections from stakeholders who participated in the research are drawn upon to illuminate key issues and themes. Whilst this is not intended to be a systematic discussion of every piece of evidence relating to ethnicity and housing, key sources of data and research are spotlighted across a range of different types of evidence, from official statistics to policy and research reports.

Attention then turns to consider how weaknesses in the current evidence base might be addressed, through consideration of what a robust evidence base might look like across different types of evidence. This hypothetical 'yardstick' against which current data and evidence may be measured has been generated through a review of the historical evidence base on race and housing in the UK.

Overview of current data, information and the research evidence base

Table 3.1 summaries key conclusions drawn from the review of contemporary information, evidence and data. The overarching conclusion is that there is a relative dearth of up to date information and evidence in England, Scotland and Wales that profiles patterns and trends in situations and outcomes of different groups; explores factors driving ethnic inequalities; analyses the performance of organisations promoting equality and fairness; and evaluates the effectiveness of responses, supporting the generation of good practice guidance. The following sections explore the situation in relation to each of the different forms of information and evidence outlined in Table 3.1.

National data

There is robust national data in relation to housing and ethnicity. Key here is the population census, which collects information on household and housing situations. Ethnic group is reported to be the most widely used census variables (National Records of Scotland, 2021). Also important are continuous national housing surveys, for example, relating to housing condition, and surveys focusing on other issues that include an ethnicity variable and collect basic housing information, such as the Labour Force Survey. However, these sources have their limitations. The Census is only undertaken every 10 years and data becomes increasingly out of date as a result of the long gap between data collection. Other national surveys rely on surveying a sample of the population, which limits the ability to disaggregate the data and explore smaller sub-groups (Power, 2020). This is particularly a problem in Scotland and Wales where many minority ethnic groups are relatively small in size. The focus of these data sets is also relatively narrow, typically focusing on housing outcomes such as overcrowding, tenure, and quality or condition. These data tell us little about the experiences, needs, preferences or aspirations of different groups, nor the ways in which disparities may be tackled, or different preferences and aspirations realised.

Some stakeholders interviewed during the study noted that it was imperative that the evidence base is improved in order to prompt and direct policy in tackling specific inequalities. One stakeholder in Scotland argued that “one of the biggest issues...is massive, massive data gaps. And...there is not a lot of interest in solving these” (Race equality stakeholder, Scotland). Whilst some data was recognised as better than none, this same respondent observed that existing survey data “don’t produce reliable results or analysis that we can really use...It’s very difficult for us to know what should be done if we can’t really look at specific ethnic groups” (Race equality stakeholder, Scotland). Other stakeholders agreed that there were two difficulties – the quality of what data is available and the coverage:

“particularly in Scotland, you’re looking at low and not always great quality data...Around the social housing sector, there’s actually quite a lot of data and that’s probably good quality, but in terms of elsewhere [such as the private rented sector], it becomes a bit more complex” (Regulation stakeholder, Scotland).

Table 3.1: Attention to race equality in housing within the contemporary evidence base

EVIDENCE	FORM	WHO	CURRENT SITUATION
National Data	Census data and other population surveys; national housing surveys; monitoring data generated by national housing organisations	National governments; national regulatory and inspection bodies	<ul style="list-style-type: none"> • Census is the principal source of robust national data • Some insights from other national surveys (e.g. Labour Force Survey) • Lack of up to date data allowing analysis of smaller populations • Narrow focus of available data on specific issues
Exploratory research	In-depth, (qualitative and quantitative) exploratory research extending beyond the focus of needs analysis, performance monitoring and evaluation	Academics; think-tanks; campaign groups; charities; national governments; regulatory and inspection bodies	<ul style="list-style-type: none"> • Little research commissioned over recent years compared to previous periods • academic research tends to focus on specific issues (e.g. homelessness) and groups (e.g. new migrants) • little attention on discrimination in the housing system • experiences of inequalities largely hidden and neglected
Local housing research	Local analysis highlighting the diverse needs of different communities, as well as shared experiences and challenges. Often commissioned to address inadequacies in existing evidence and to inform local strategies	Local authorities; housing associations; third sector organisations; local communities	<ul style="list-style-type: none"> • few examples of published local research profiling inequalities and exploring causes; understanding diverse needs; or evaluating initiatives • emphasis on market analysis rather than needs • approach consistent with national guidance (England)
Performance monitoring	Data on key indicators facilitating analysis of institutional performance of housing organisations against criteria set by the government, funding body or regulating authority	Housing organisations; local authorities; regulatory bodies; complaints and investigation agencies; government	<ul style="list-style-type: none"> • lack of published data • regulatory frameworks place few demands on organisations to monitor race equality and share data (see Chapter 4) • patterns and trends difficult to discern
Evaluation and analysis	Systematic collection and analysis of data to support examination of policies, interventions and programmes	Government; regulatory bodies; membership bodies; specialist race equality agencies; research charities and think-tanks	<ul style="list-style-type: none"> • lack of published evidence generated through robust evaluation • lack of information on good practice; few good practice publications

Despite this, a number of stakeholders argued that sufficient evidence exists relating to a core number of (often longstanding) inequalities in housing experienced by particular minority ethnic groups – for example, relating to tenure, overcrowding, and housing condition. Many noted that action was long overdue to tackle these issues, and that waiting for more and better data should not prevent action being taken. For example, one stakeholder argued that many of the core issues such as living in poor housing conditions, overcrowding and poverty are problems that “have been there for years... We know that, so what are the solutions?” (Equalities stakeholder, Scotland). Another noted that:

“I don't think we've gone that far in the past 30 years really. I think we haven't made as much progress as we'd like, we know that there are racial inequalities in the allocation and management and the development of housing in the UK and I'm not sure that the situation has changed” (Race equality stakeholder, England).

These points were made across all three nations, despite the different political and policy contexts.

In England, improving the transparency and accessibility of data – for example via the ‘ethnicity facts and figures’ web portal – has been a key Government aim (Prime Minister’s Office, 2016). However, the focus is on describing differences rather than understanding the drivers of these differences in housing outcomes and experiences (Cabinet Office, 2017, House of Commons Women and Equalities Committee, 2018, Humpherson, 2017). Whilst the drive to improve the data landscape is to be welcomed, this leaves significant questions about causes and appropriate responses largely unanswered.

Exploratory research

Exploratory research that extends beyond a focus on immediate policy concerns and the monitoring and evaluation of practice to explore hidden and neglected issues can play a key role in defining how a problem is understood, challenging orthodoxies, promoting greater awareness of causes and (re)shaping the response. Exploratory research asks new questions and fills gaps in knowledge. It can challenge policy and practice, serve to foreground people's experiences and provide a resource that can be utilised by different communities of interest.

There is a rich historical evidence base on 'race and housing'. This research was commissioned by organisations including national governments, think tanks, charities, regulatory and inspection bodies, campaign groups and others. It covers topics ranging from housing experiences, needs and aspirations of different groups, through analysis of interactions between consumers and housing organisations, to analysis of policies and practice (Harrison and Phillips, 2003).

The last 20 years witnessed a notable reduction in research on the housing experiences, needs and aspirations of different groups, analysis of interactions between consumers and housing organisations, and analysis of policies and practice. This reflects a notable reduction in the commissioning of research on these issues by organisations including national governments, think tanks, charities, regulatory and inspection bodies, campaign groups and others. This point is usefully illustrated by revisiting the review undertaken in 2003 for the then Office of the Deputy Prime Minister (Harrison and Phillips, 2003), which profiles and discusses the strengths and weaknesses of the evidence base on what are referred to as 'BME housing experiences'. The evidence base reviewed by Harrison and Phillips outstrips the contemporary evidence base in breadth, depth, scope and scale. There has also been a shift in the focus of what research has been undertaken. In large part, this shift is reflective of trends in UK government policy. This reflects the link between research funding and the contemporary policy agenda, as well as the tendency of academic research to critically explore the prevailing logics and rationales driving contemporary policy and practice, and associated outcomes. As a result, there has been an increase in research exploring issues such as immigration reform and the hostile environment in England (Griffiths and Yeo, 2021, Guentner et al, 2016, Leahy et al, 2018, Nygaard, 2011, McKee et al, 2021, Netto, 2011), and issues of community cohesion, de/segregation, and social mixing (Bolt et al, 2010, Catney et al, 2021, Greenfields and Smith, 2010, Harrison and Phillips, 2010, Manley and van Ham, 2011, Neal, 2015, Zuccotti, 2019).

Commissioned publications by third sector organisations such as race equality foundations and charities continue to be an important source of exploratory research into housing and ethnic inequalities. Examples include research exploring widespread inequalities and the 'ethnic penalty' in housing (de Noronha, 2015, Finney and Lymperopoulou, 2014, Rogaly et al, 2021, Tanti, 2021), housing needs and aspirations of minority ethnic groups (Markkanen, 2009), and COVID-related impacts (de Noronha, 2021). There are also examples of qualitative studies exploring the housing experiences of different ethnic groups, for example, within specific tenures and experiencing homelessness (Scottish Government, 2021c).

Despite these important contributions, there are some notable gaps in the contemporary evidence base, when compared to the historical evidence base. These include limited research regarding:

- interactions between consumers and institutions across the different sectors of the housing system, including the documenting of discrimination and racism
- the mechanisms of discrimination (when and how discrimination is exercised) and the impact on housing pathways
- relations between wider societal opportunities, incomes and wealth, and housing options
- settlement patterns, drivers and consequences
- neighbourhood experiences, including experiences of harassment

- organisational policies and practices and their impact on housing opportunities and outcomes, including sensitivity to difference and commitment to equality in housing services
- diverse needs and how they can be met within the contemporary housing system
- housing preferences, strategies and pathways
- situations and experiences within the devolved nations, as well as UK-wide analysis

Finally, it is important to acknowledge the apparent renewal of research interest in particular housing inequalities and their causes, including recent work on housing allocations¹ and exploring homelessness².

Local housing research

Every local housing authority is required to consider housing conditions in the local area and the needs of the district with respect to the provision of further housing accommodation. Local analysis has an important role to play in supporting these efforts, profiling local challenges, understanding the needs of different groups and sensitising local interventions. The local approach to understanding needs is informed by government guidance. Previously government guidance on housing needs assessments emphasised that account should be taken of the mix of housing needs and requirements of the full range of households of different types, including black and minority ethnic (BME) households (Bramley and Pawson, 2000). To this end, local housing needs assessments often involved discrete analysis of the situations, preferences and experiences of different minority ethnic groups within the area. Analysis would also frequently explore the factors driving these situations, including the policies and practices of social landlords and other key actors in the local housing system. In addition, local studies were frequently commissioned or undertaken by local community groups and third sector organisations (including BME-led housing organisations), in a bid to highlight the hidden and neglected experiences of particular communities. Such an evidence base was commonly drawn upon to inform development of the local housing strategy and the targeting of resources at people and places in need of help and assistance with housing needs.

Local needs studies used to be seen as a standard tool for securing information about a host of issues, including the situations, aspirations and needs of different groups, informing the local policy process, targeting interventions, and auditing the impacts of the practices of local housing organisations (Harrison and Phillips, 2003). Recent years have witnessed a shift from a focus on understanding needs to understanding housing market dynamics. National guidance in England that local authorities are required to follow when developing their strategic housing market assessments (SHMAs) makes no reference to the importance of understanding the preferences, situations and needs of different groups within society (DLUHC, 2019). The focus is on the number of new homes needed in an area. Additional guidance on planning for the needs of different groups makes reference to disabled people and older people and flags the fact that local authorities must also consider the implications of their duties under the Equality Act 2010, including the Public Sector Equality Duty. However, guidance places no specific requirement is placed on local authorities to understand the diverse needs of the local population or different ethnic groups (DHLUC, 2021). Consequently, a review of a sample of local housing market assessments in England undertaken during this study revealed very limited references to the aspirations or needs of different ethnic groups. One stakeholder confirmed this finding, noting that:

“local authorities used to have strong strategic housing functions and they did a lot of housing needs assessments, housing needs work, some of the ones in strongly minority communities did BME housing studies. And all of that has been swept away... Nobody is doing anything around the needs of our different communities” (Race equality stakeholder, England).

¹ See, for example: <https://housingevidence.ac.uk/our-work/research-projects/social-housing-allocations-in-great-britain/>)

² See, for example: <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/types-of-homelessness/research-on-race-homelessness-and-housing-precarity/>)

In Wales, recent (2022) guidance from Welsh Government (2022a) on Local Housing Market Assessments (LHMAs) makes passing reference to the needs of people from diverse backgrounds and suggests Welsh local authorities might work together to better understand specific needs (and engage with appropriate communities). However, research in England suggests that even where the needs of different ethnic and faith groups are considered within SHMAs, this still does not result in specific policies aimed at addressing this need, in part due to concerns that planning department should not be seen to prioritise the needs of some groups over others (Bristow, 2021, p.51). This points to the need for further work to understand how equalities duties are operationalised in practice through policy and practice. Interestingly, this conclusion parallels a point made by Harrison and Phillips (2003) about the uncertain role of local minority ethnic needs studies as an aid to policy due to the one off nature of such needs rather than them becoming “more regularised flexible components of an ongoing effort to improve knowledge for policy purposes” (Harrison and Phillips, 2003: 53).

Performance monitoring

There is a notable lack of published data on the performance of housing organisations in relation to race equality in England, Scotland and Wales. Some housing organisations are actively monitoring performance on race equality. Stakeholders pointed to examples of good practice amongst social landlords. However, these were largely ad-hoc initiatives developed by individual organisations reflecting a local commitment to race equality. Coherent strategies for the systematic monitoring of performance on race equality across the sector are notable by their absence. The result is a lack of regularly collected administrative data on the performance of housing bodies that can be analysed in order to reveal patterns or trends in the experiences of different groups and assess institutional performance in promoting equity and fairness. This reflects limited attention to race equality within regulatory regimes, an issue explored in detail in Chapter 4.

There is a limited evidence of regulatory authorities sponsoring analysis of administrative data or commissioning original research into the performance of organisations on race equality or the experiences of different ethnic groups within particular sectors of the housing system. There are few studies providing an overview of ethnic inequalities in housing outcomes, evaluating how organisations have mainstreamed attention to minority ethnic housing needs or reviewing steps taken to tackle inequalities in housing outcomes (Scottish Government, 2021c). One exception is a recent study exploring social housing allocations to different ethnic groups, drawing on CORE data on new lettings and sales by social landlords in England (Kowalewska, 2018). Commissioned by the then Ministry of Housing, Communities and Local Government, this study is reflective of the kind of analysis that used to be frequently commissioned by governments and regulatory bodies. For example, the Housing Corporation, the non-departmental public body that funded social housing and regulated housing associations in England from 1964 through to 2008, had a long-standing commitment to exploratory research and performance monitoring within the sector. A key motivation for this programme of research and analysis was a commitment to review performance against the stated goals of the Corporation’s Black and Minority Ethnic Housing Policy (Harrison and Phillips, 2003). No comparable policy currently exists and no comparable programme of research and monitoring is supported by the Corporation’s successor bodies, Homes England and the Social Housing Regulator.

The Commission for Racial Equality (CRE) is another regulatory body that previously played an important role monitoring performance within the housing system and investigating possible incidents of discrimination. Numerous formal inquiries in the 1970s and 80s exposed discrimination within the practices of organisations working in different sectors of the housing system, which prompted remedial action and steps to promote good practice. The CRE’s successor body, the Equality and Human Rights Commission, has a much more limited record of investigation and inquiry within the housing system, partly explained by the more limited powers and responsibilities. The EHRC recognised notable ethnic inequalities in housing in its 2016 report ‘Healing a Divided Britain’, which called for a comprehensive race equality strategy for Britain. However, its record of investigating these inequalities and exposing discrimination in the housing system is relatively limited. The EHRC authored eight outputs on housing and discrimination between 2009 to 2019 (four research reports on meeting the accommodation needs of gypsy and traveller communities in England, Scotland and Wales and one research report on the experiences of Grenfell residents accessing care and support; a briefing paper on people living in communal establishments; and two advice and guidance documents). It has also conducted one housing-focused inquiry, which centred on accessible and adaptable housing in England, Scotland and Wales. No other published research, analysis, investigation or inquiry appears to have been undertaken into ethnic inequalities in the housing system and driving factors, including discrimination.

As the Scottish Government (2021c) has recognised, this lack of information and insight makes it difficult to assess what progress is being made mainstreaming race equality into service provision and tackling particular inequalities in housing outcomes. One stakeholder observed how this situation made it difficult to determine to what extent the policy commitments and strategies explored in Chapter 2 are being translated into actions by regulators and influencing the day-to-day operations of public providers or private businesses. As a result, one stakeholder commented that:

“It’s impossible to say whether they are succeeding or not. ...it’s strategy, after strategy, none of it is monitored or evaluated very well. And almost you can see a cycle of the same things coming out over and over again... the kind of systemic problem where there is lost institutional knowledge about race and race equality when new strategies, and new plans are just made continually but there is no follow through... a lot of it is words and not action” (Race equality stakeholder, Scotland).

These comments chime with calls for a greater focus on actions that are specifically oriented towards the needs of minority ethnic groups (Price, 2021), and for monitoring and evaluation of the achievements of strategies and action plans (Winckler, 2019).

Evaluation and analysis

There are few examples of studies setting out to evaluate policy and practice initiatives relating to the mainstreaming of race equality or specific interventions to address particular inequalities in outcomes. Nor does the evaluation or ‘testing’ of broader policies and initiatives appear, as a matter of course, to be sensitive to ethnic diversity and attentive to the possibility of discrimination. There is also little evidence of the systematic collection and analysis of administrative data that would support the evaluation of particular policy interventions or programmes.

This lack of evaluation and analysis reflects the absence within regulatory and inspection regimes in England, Scotland and Wales of a clear commitment to supporting improvements in practice in relation to race equality. The result is a dearth of contemporary evidence of good practice in designing and delivering targeted interventions to address inequalities, tackle discrimination and promote equality, as revealed in Chapter 1. Good practice advice and guidance is notable by its absence across the three nations. One stakeholder in Scotland reflected on this situation, observing that even where there is a commitment to positive change, there is confusion about what to do:

“lots of agencies, government, and partners in this, we all acknowledge the problem, we all understand institutional racism exists... I think people acknowledge now that it exists, but they don’t fully know what it is or what to do about it” (Regulation and governance stakeholder, Scotland)

What would a robust evidence base look like?

Table 3.2 presents a summary overview of what a more thorough and robust approach to data collection, research and analysis on race equality and housing might look like. The approach is guided by the notion of equality formalised in the Equality Act, and therefore recognises the need to understand and challenge direct and indirect discrimination and the potential for positive action to help address entrenched and long-standing inequalities. The form, focus and potential uses of different types of evidence are outlined across the range of data, research and analysis summarised in Table 3.1 and explored in the discussion above. The recommendations presented build upon insights to emerge from a review of previous practice during an era when there was a more extensive and wide-ranging commitment to research, analysis, monitoring and evaluation on housing, ethnicity and inequality involving a far wider range of actors than is presently the case³. Table 3.2 provides a useful yardstick against which to assess the current form, focus, nature and scope of research and analysis on race equality and housing in England, Scotland and Wales.

3. Three review reports provide useful insights into the breadth and depth of this evidence: Harrison and Phillips (2003); Tomlins (1999); and Smith and Hill (1991).

Table 3.2: Illustrative examples of different approaches to data collection, research and analysis of race equality and housing

	FORM	WHO	CONTENT	USE
National Data	Census data and other population surveys; national housing surveys; monitoring data generated by national housing organisations	National governments; national regulatory and inspection bodies	Statistical data about households and their housing situations (e.g. tenure, overcrowding, conditions); housing stock quality; settlement patterns; and housing costs	<ul style="list-style-type: none"> building a picture of the general housing circumstances of different ethnic groups (tenure, overcrowding, conditions) and sub-sections of these populations, such as older people statistical analysis of correlations and causal relationships between housing outcomes and other issues and themes
Exploratory research	In-depth, (qualitative and quantitative) exploratory research extending beyond the focus of needs analysis, performance monitoring and evaluation	Academics; think-tanks; campaign groups; charities; national governments; regulatory and inspection bodies	<ul style="list-style-type: none"> housing experiences, including attention to particular groups with specific needs (e.g. asylum seekers, homeless people, older people) housing preferences, strategies and pathways interactions between consumers and housing institutions, including the documenting of discrimination and racism the mechanisms of discrimination (when and how discrimination is exercised) and the impact on housing pathways relations between wider societal opportunities, incomes and wealth, and housing options settlement patterns, drivers and consequences neighbourhood experiences, including experiences of harassment organisational policies and practices and their impact on housing opportunities and outcomes, including sensitivity to difference and commitment to equality in housing services housing resistance and housing alternatives, including community-led initiatives 	<ul style="list-style-type: none"> broadening debates beyond themes dictated by policy and asking new questions about the housing system and people's experiences within it addressing particular gaps in knowledge and understanding about an issue exposing hidden and neglected issues challenging and informing policy and practice providing information and evidence to be utilised by communities and housing campaigns
Local housing needs research	Local analysis highlighting the diverse needs of different communities, as well as shared experiences and challenges. Often commissioned to address inadequacies in existing evidence and to inform local strategies	Local authorities; housing associations; third sector organisations; local communities	<p>Precisely what is research and analysed likely to be informed by policy requirements and current events, but approach can include:</p> <ul style="list-style-type: none"> statistics generated through local surveys and analysis of spatial data in national surveys describing the housing situations of different groups qualitative insights into housing experiences; situations of particular groups, including 'hidden' populations not captured by large scale surveys; housing costs, incomes, affordability; settlement patterns and drivers; constraints in the local housing system; local housing stock and conditions; engagement with and experiences of particular services 	<ul style="list-style-type: none"> assessing the diversity of local housing needs and reviewing the responsiveness of local housing provision assessing consumer experiences and spotlighting areas of policy and practice requiring reform sensitising local housing strategies, policy and practice to the diversity of local needs providing a resource for local communities

	FORM	WHO	CONTENT	USE
Performance monitoring	Data on key indicators facilitating analysis of institutional performance of housing organisations against criteria set by the government, funding body or regulating authority	Housing organisations (e.g. landlords, letting agents, finance services); local authorities; regulatory bodies; complaints and investigation agencies; government	Assessment of policy and practice through the monitoring of performance, perhaps employing race equality indicators. The precise focus likely to be dictated by the priorities of policy, but might include: <ul style="list-style-type: none"> • strategy, development and implementation, including the adoption and implementation of specific strategies and good practice • consumer experiences, including who does and does not benefit from services • working relations with partners, including communities and consumers • responsiveness to diverse communities, households and needs • diversity of staff and board membership, and the participation of housing consumers from different backgrounds 	<ul style="list-style-type: none"> • benchmarking performance and promoting improvements by tracking progress in adopting and implementing statutory duties, regulatory requirements and good practice on race equality and equal opportunities • enhancing policy design, service delivery and consumer experiences • extending the reach and increasing the beneficiaries of policy and practice initiatives
Evaluation and analysis	Systematic collection and analysis of data to support examination of policies, interventions and programmes	Government; regulatory bodies; representative and membership bodies; specialist race equality agencies; research charities and think-tanks	Qualitative and quantitative data about the context within which a policy or programme is delivered, the mechanisms deployed and the (intended and unintended) outcomes, including who does and does not benefit and why	<ul style="list-style-type: none"> • developing a good practice evidence base and advice about what works, where, when, why and how • testing of policies and practices through analysis of inputs, outputs and impacts of investment and activities • understanding poor / under-performance, supporting service reform to promote equality of access to associated benefits

Conclusion

It has been suggested that ethnic inequalities in housing are difficult to unpick, in part, because of a scarcity of relevant data and a lack of attention to the issue within contemporary research and analysis (Shankley and Finney, 2020). This review confirms a lack of attention to ethnic inequalities in housing within contemporary research and analysis.

National surveys and administrative data sets represent a useful source of data, but they can often be out-of-date and fail to provide a sufficiently large sample to allow analysis of different ethnic groups. Exploratory research includes important work drawing on secondary data to profile inequalities and qualitative studies exploring specific situations and the experiences of particular groups. However, there are notable gaps in the contemporary evidence base, including analysis of interactions between consumers and institutions within the housing system; discrimination and its role in shaping housing outcomes; and diversity in housing need.

Local analysis tends to be focused on monitoring housing market dynamics and determining the number of new homes needed in an area rather than understanding experiences and needs. There is a notable lack of coherent strategies for the systematic monitoring of the performance of housing organisations on race equality resulting in a dearth of published data across England, Scotland and Wales. There is also a shortage of good practice guidance about the design and delivery of targeted interventions to address inequalities, tackle discrimination and promote equality.

Available data allows ethnic inequalities in housing to be profiled, but a number of key questions remain unanswered:

- Why are there ethnic inequalities in housing; what are the driving factors?
- Is contemporary housing policy and practice helping to reduce or serving to exacerbate these inequalities?
- What works in tackling inequalities and promoting greater equality and fairness in the housing system?

These deficits in understanding are increasingly recognised as a problem to be addressed in Scotland and Wales. Delivering on a stated commitment to race equality is recognised as requiring a better understanding of minority ethnic experiences and barriers to housing (see Chapter 2). To this might be added a more explicit commitment to performance monitoring and evaluation as part of a more equality-informed regulatory regime, an issue we will explore in Chapter 4.

The situation in England is somewhat different. In the absence of a national policy commitment to tackling ethnic inequalities in housing and promoting race equality in the contemporary housing system, deficits in understanding are not formally acknowledged as a problem to be addressed. The official focus is on presenting descriptive statistics in a purportedly 'impartial' manner, rather than 'obscuring' these statistics with a detailed commentary or analysis (House of Commons Women and Equalities Committee, 2018, p.8). The result is the absence of any formal commitment to understanding the causes of inequalities and how to respond. Some help in filling this gap in knowledge is being provided by third sector and charity organisations, working in partnership with local communities, key housing organisations and academics from the housing studies community.

4. Regulating for Equality: the case study of social housing

Summary

- there is a co-regulatory approach to social housing regulation in England, Scotland and Wales involving self-regulation by landlords, alongside formal assurances to the regulator that they are complying with standards and the submission of annual data returns
- regulatory frameworks have foregrounded equality of opportunity within consumer standards in recent years, and equalities issues have been flagged in regulatory guidance on good governance
- regulatory commitments on equality tend to be more direct and explicit in Scotland and Wales
- standard data returns that social landlords submit to the regulator do not collect information on performance against equalities standards
- there is little evidence of action by regulators to challenge poor performance or promote good practice in relation to equality of opportunity
- reliance on individual complaints to reveal problems with equality and fairness risks issues remaining hidden and neglected
- it is currently difficult to comment on whether people are being treated equally and fairly and to what extent discrimination remains a feature of the social housing sector in England, Scotland and Wales
- an enhanced approach to regulating for equality might include: a clearer and more explicit statement of expectations consistent with duties under the Equality Act; attention to equalities issues within performance monitoring; a programme of targeted reviews and regulatory action in response to evidence of underperformance; and the provision of good practice advice and guidance to support co-regulation for equality

Introduction

Regulation is a tool used by governments to achieve policy objectives. It represents a set of rules and behaviours that organisations working in a particular field are expected to follow. This chapter focuses on housing regulation and, in particular, social housing regulation. It explores how ethnic inequalities in social housing are exposed, challenged and addressed and race equality is promoted through the regulatory frameworks in England, Scotland and Wales.

First, discussion provides an overview of social housing regulation in England, Scotland and Wales, observing similarities and differences across the three nations. Perceived strengths and weaknesses of the regulatory approach to race equality are highlighted. Reflections from stakeholders interviewed during the study are drawn upon to illuminate key issues and themes. This overview draws upon a detailed review of regulatory frameworks within England, Scotland and Wales,.

Having identified a number of weaknesses in attention to race equality in current regulatory practice, attention turns to consider the form that a regulatory approach more attuned to race equality might take. Drawing on lessons to emerge from a review of previous regulatory regimes and associated good practice in promoting race equality, different approaches are outlined that stretch across the continuum of regulatory traditions or approaches.

Overview of current regulatory approaches

Approaches to regulation and broad trends in social housing regulation

Regulation can take different forms, ranging from strict, prescriptive rules and enforcement, through more performance based approaches that focus on specifying objectives or goals to be achieved, to lighter-touch incentives captured in guidance and codes of practice (see Figure 1).

Figure 4.1: Different regulatory approaches and tools (NAO, 2015;2021)



Recent decades have witnessed a general trend in many countries away from more prescriptive regulatory approaches and toward the adoption of more performance or goal-based approaches. This involves a shift in regulatory focus from required inputs to specified outputs and provides a greater degree of freedom to those being regulated about how they achieve compliance (Deighton-Smith, 2008). However, goals-based regulation has not completely replaced rules-based approaches. This reflects the continued need for rules to force compliance in order to minimise the risk of major, widespread harm (Decker, 2018). More common is a move toward hybrid approaches to regulation that are more goals-based but maintain a rules-based element (Cunningham, 2007).

A related development associated with the shift toward goals-based regulation is the increasing emphasis on what is commonly referred to as ‘co-regulation’. This involves organisations being responsible for ensuring they are operating effectively and complying with all regulatory requirements. Demonstrating compliance to the regulator might involve evidencing that the organisation is open to scrutiny from key stakeholders, including service users. Within this model, the regulatory authority might be said to be serving as an assurance-based regulator, which seeks assurance from providers that they are complying with standards (Regulator of Social Housing, 2019).

These broad trends are evident in the changing approach to social housing regulation over the last 20 years across the UK. Two particular developments are worth noting. First, social landlords have been granted greater autonomy. Berry et al. (2006) refer to this as the rejection of more rigid traditional ‘command and control’ approaches. This is consistent with the general trend toward more flexible and lighter touch principle or goals-based approaches as part of efforts to reduce the regulatory burden on organisations (Decker, 2018). Second, over the last 15 years there has been an increasing regulatory focus on financial viability. This follows the switch from public subsidy to private finance as the principal source of funding for the development of new social housing and reflects the need to provide private lenders with a level of comfort regarding the viability of their investments (Berry et al., 2006).

The result is a common emphasis on relatively light touch, goals-based approach to regulation of the sector. Within this system, financial viability is regarded as a ‘priority risk’ and, in line with UK guidance to regulators to allocate available resources on addressing priorities (DBIS, 2014), the strongest protections and most robust interventions are reserved for the regulation of financial standards. Meanwhile, customer standards are subject to a higher threshold for regulatory intervention and more modest protections.

Social housing regulation: structures and frameworks

Government policy in each nation frames the approach to financial management, governance and service delivery within the sector. The regulatory body is responsible for detailing the particular rules and expected behaviours that landlords are required to follow in support of these policy objectives. Each nation of the UK has its own statutory bodies responsible for the regulation of social housing. The role, responsibilities and approach of each of these regulatory authorities is summarised in Table 4.1.

In all nations, a regulator (or regulatory team in Wales) is responsible for overseeing the regulation of social housing landlords⁴. In addition, an ombudsman is involved in what may be considered 'de facto' regulatory functions, for example via complaints handling and holding organisations to account in relation to complaints and service policies and procedures (as well as setting and monitoring standards in Scotland). Co-regulation underpins the approach to social housing regulation in all three nations. Regulators rely on landlords reporting to them what they are doing, rather than leading a regime of inspections in the way that an inspectorate such as the Audit Commission might do. Reassurance that landlords are complying with standards is bolstered through data returns that focus on a series of key indicators. Reassurance is also sought regarding good governance.

Table 4.1: Roles, responsibilities and approaches to the regulation of social housing in England, Scotland and Wales

REGULATORY BODY	POWERS AND ROLE	APPROACH
ENGLAND		
Social Housing Regulator	Executive non-departmental public body of the Department for Levelling Up, Housing and Communities <ul style="list-style-type: none"> responsible for economic regulation of providers of social housing, focusing on governance, financial viability and value for money that maintains lender confidence and protects the taxpayer sets consumer standards and may take action if standards are breached 	<ul style="list-style-type: none"> required to exercise its regulatory functions in a way that minimises interference and is proportionate, consistent, transparent and accountable takes a proactive approach to the regulation in relation to economic standards, with a particular focus on governance and financial viability takes a reactive approach to consumer standards and has limited regulatory options unless there is evidence that the breach of standards has or could cause serious detriment
Housing Ombudsman	Set up in law to consider complaints about registered housing organisations and resolve disputes involving social housing residents and their landlords <ul style="list-style-type: none"> funded by a subscription payable by each member, based on the number of units of accommodation covered by the scheme powers extended in 2011 to deal with complaints about local authorities as landlords of social housing, including services provided directly or on their behalf 	<ul style="list-style-type: none"> considers complaints about registered housing organisations and resolves disputes involving social housing residents and their landlords, including making awards of compensation or other remedies able to review information relevant to a complaint, for example copies of landlords' policies and procedures, internal files, correspondence, and records. May also interview staff and board members.

⁴ In Wales, there is no single system regulation for social housing. The Welsh Government regulates housing associations but not local authority landlords. Audit Wales (which incorporates the Auditor General for Wales and the Wales Audit Office) is responsible for overseeing public services in Wales.

REGULATORY BODY	POWERS AND ROLE	APPROACH
Local Government and Social Care Ombudsman	Investigates complaints against councils and about adult social care providers <ul style="list-style-type: none"> complaints about local authority landlord services now the jurisdiction of the Housing Ombudsman, but some cases involve joint investigations 	<ul style="list-style-type: none"> considers individual complaints about councils and adult social care providers can consider housing services such as homelessness and housing allocations complainants need to have been directly affected by the matter (suffered 'personal injustice')
SCOTLAND		
Scottish Housing Regulator	Independent regulator of social landlords, directly accountable to the Scottish Parliament <ul style="list-style-type: none"> monitors, assesses and reports on their performance of housing activities sets regulatory requirements for all social landlords, and governance and financial managements standards for RSLs 	<ul style="list-style-type: none"> regulation focuses on significant risks to tenants and service users, which may include poor outcomes or poor-quality homes statutory and non-statutory guidance issued to help landlords understand their responsibilities Scottish Social Housing Charter provides basis for monitoring, assessing and reporting on landlord performance
Scottish Public Services Ombudsman	Considers complaints from members of the public who claim to have sustained injustice or hardship as a result of maladministration or service failure by an authority within the jurisdiction of the Ombudsman, for example a local authority <ul style="list-style-type: none"> final stage for complaints about councils and housing associations, amongst other authorities 	<ul style="list-style-type: none"> Complaints only investigated if they have been through the relevant organisation's full complaints procedure remit is to look at how an organisation reached a decision most decisions published, either as a summary report or a detailed investigation report where a case has wider public interest
WALES		
Housing Regulation Team	Part of the Housing and Regeneration Directorate within the Welsh Government; regulates housing associations on behalf of the Welsh Ministers <ul style="list-style-type: none"> enforces regulatory standards set by Welsh Ministers 	<ul style="list-style-type: none"> a commitment to proportionality involves assessment of risks to determine how resources and activity of the regulator should be focused the regulatory framework is built upon the principle of co-regulation; the regulator and housing associations take responsibility together for ensuring the sector and individual organisations are well regulated housing associations determine how best to meet the regulatory standards
Public Service Ombudsman for Wales	Established in 2005, the PSOW is intended to be impartial and independent of the Welsh Government <ul style="list-style-type: none"> provides a free and independent service to the public 	<ul style="list-style-type: none"> investigates complaints made by members of the public about public service providers in Wales, including the role of local authorities as landlords in 2019 the PSOW was given the power, under certain conditions, to carry out investigations under its own initiative even where there is no complaint from a member of the public

Some differences are apparent in the emphasis and approach to regulation in England, Scotland and Wales. In England, the regulator's role in relation to the consumer standards is reactionary and action can only be taken in instances where information is received about a failure to meet these standards and there is serious detriment to tenants (Regulator of Social Housing, 2019). In Scotland and Wales, there has been a stronger emphasis on the tenant or consumer experience. For example, in Scotland there is proactive regulation around consumer standards, exemplified in the Scottish Social Housing Charter (see, for example, Scottish Government 2017, although the Charter is under review – see Scottish Government, 2021c). It is also possible for tenants to take an issue directly to the Scottish Housing Regulator. As one stakeholder observed:

"the tenant angle is much more ingrained...[than in England]...the regulator has much more interest in tenant services and in other services received in Scotland and Wales" (Regulation and governance stakeholder, Scotland).

In England, proactive regulation is currently limited to economic standards. There is also a particular emphasis on governance and financial viability, which can be understood as a response to the large-scale injection of capital bond and bank investments into the sector in recent years. This helps explain why financial viability and risk management tend to trump other considerations within the English regulatory regime. However, a greater emphasis on consumer standards has been proposed in the Social Housing White Paper, including reforms to allow the regulator to take a more proactive approach to consumer regulation. There has also been recent changes to the National Housing Federation Code of Governance (National Housing Federation, 2020). This includes more emphasis on equalities and diversity, a change, according to stakeholders interviewed as part of this study, driven by demands from members for the issue to be more explicitly highlighted. However, landlords are not required to adhere to the NHF code.

Race equality within regulatory frameworks

The regulation of social housing is framed by attention to three key themes: financial management; governance; and service delivery. The regulatory approach to service delivery and good governance in England, Scotland and Wales directly addresses equality issues, although the specifics and emphasis of the approach varies across the three nations.

In England, four consumer standards frame the regulatory approach to tenants: home standard (quality of accommodation and repairs and maintenance), tenancy standard (allocation of properties); neighbourhood and community standard (issues relating to neighbourhoods, communal areas and anti-social behaviour); and the tenant involvement and empowerment standard (customer service and complaints, tenant right and involvement). A review of these four standards reveals only one reference to equality. The tenant involvement standard requires providers to treat all tenants with fairness and respect, and understand and respond to the diverse needs of tenants, including in relation to the equality strands and tenants with additional support needs (HCA, 2017). There is no other reference to issues of equality within the consumer standards in England, either in the broadest sense or in relation to race equality, and there is no explicit reference to responsibilities under the equality act.

Equalities requirements are more prominent in regulatory standards in Scotland and Wales. The Scottish Social Housing Charter details 16 outcomes and standards that social landlords should aim to achieve, organised under seven themes. The first theme is 'equalities' and describes what social landlords should achieve by complying with equalities legislation:

"every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services." (Scottish Government, 2017; p.6)

One stakeholder reported that the fact that equalities was the first outcome detailed in the framework was deliberate rather than an 'accident' of ordering and served to foreground equality issues. Another stakeholder reflected that it was important to make the issue 'stand out' so that organisations understood "that you have to deliver it", otherwise "it will still be lost in the bigger system... So I am pleased it happened..." (Equalities stakeholder, Scotland).

The regulator has also sought to reinforce this commitment through the publication of an equalities statement, which recognises the regulator's responsibilities under the equality act, outlines the responsibilities of social landlords, outlines what has been done to promote equalities and what will be done in the future (Scottish Housing Regulator, 2019a). The equalities statement requires landlords to ask for equalities information from their service users and to use it to inform their decision making. The regulator was also involved in the development of a new guide intended to support social landlords with equalities data collection (SFHA, 2021).

Recent developments in Wales also indicate a more prominent focus on equalities within the regulatory framework. The new framework (Welsh Government, 2022b) details nine regulatory standards. The first standard relates to effective strategic leadership and governance arrangements. Seven requirements are detailed under this standard. One focuses explicitly on equalities, and requires that the social landlord:

“sets and delivers measurable, evidence based commitments across all areas of its business in relation to equality, diversity and inclusion (including anti-racism and tackling hate crime) reflecting the diversity of the communities it works in. . . .”

One stakeholder observed that this new regulatory framework represented a notable step-change:

“The new consumer regulation will bring the EDI issues into focus for the regulator. . . .The current regulatory regime is really about protecting investment, it’s about money, it’s not about people” (Social housing stakeholder, Wales).

In recent years, there has also been increasing emphasis in all three nations on equalities as a dimension of good governance. In Scotland and Wales, this is apparent within regulatory guidance. For example, Standard five of the Scottish Housing Regulator’s (2019b) standards of good governance and financial management require providers to pay due regard to the need to eliminate discrimination, and advance equality and human rights. In England, the new voluntary NHF Code of Governance has focused greater attention on equality, diversity and inclusion in governance. Reflecting upon this development, one stakeholder commented that:

“I think before the E&D issues used to be on the periphery, and now they’re a lot more central and it certainly focussed board’s minds a little bit more. I think there has been some progress, but it’s been mixed and not everybody is grasping the opportunity” (Race equality stakeholder, England).

In the context of a co-regulatory approach, boards and leadership teams of social landlords have a key role to play in driving forward the equality agenda. Stakeholders were concerned that without any real regulatory pressure on boards to evidence their commitment to promoting equality, it was likely that practice would be variable across the sector. Another concern raised by some stakeholders was whether boards and leadership teams possess the knowledge and expertise to drive forward the equalities agenda. In England, the regulator has paid increasing attention to the membership and expertise of boards, but the focus has been on financial expertise. Stakeholders interviewed, advocated for the regulator to also pay attention to the ethnic diversity of housing association Boards and within staff teams:

“it is important to have those different perspectives with both the boardroom, but also it can be helpful for housing association staff to be reflective of the communities that they serve. A lot of work has been done on that by various associations to different degrees” (Regulation and governance stakeholder, England).

However, delivering upon this aspiration was recognised as being a long term challenge:

“I don’t think you can magic board leadership diversity overnight. It’s got to be part of a succession plan. . . . you need recruit on values, you recruit on willingness to learn, you recruit on closeness to the community rather than your retired accountant who gets every board position” (Race equality stakeholder, England).

The need for training on equalities issues to promote effective self-governance was also flagged as a priority that needed to be addressed. This point was illustrated by a number of stakeholders through reference to the poor quality of Equality Impact Assessments (EIA) undertaken by landlords to explore the equality impacts of a particular policy or practice.

Finally, it is worth flagging that the stakeholders interviewed had different views and opinions about the role that regulators should play in promoting equality. Some stakeholders argued that organisations should be taking action to promote greater equality because this was ‘the right thing to do’. However, one respondent spoke for many when observing that “the only thing that changes the Scottish housing sector is the Scottish Housing Regulator”. To this end, many stakeholders argued for a stronger – and more formalised – regulatory focus on equalities issues, with clear standards and reporting requirements.

Monitoring equalities

Despite the commitment to equalities within the regulatory frameworks in Scotland and Wales, the standard data returns that social landlords are required to submit annually to the regulator do not collect information relating to performance against equalities standards. In Scotland, the Annual Return on the Charter (ARC) includes data on 32 standard indicators based upon the 16 outcomes detailed in the Charter, as well as seven contextual indicators. No information is collected that allows compliance with equalities legislation or the requirement to understand different needs and respond appropriately. In Wales, all associations are required to submit data on tenant satisfaction, but the template asks nothing particular about equality related issues and does not support analysis of the experiences of groups with different protected characteristics.

In England, there are plans, outlined in the Social Housing White Paper, to reintroduce a more proactive approach to consumer regulation, assess performance against equalities duties and undertake more thematic work. Currently, however, the regulator does not collect data casting light on landlord performance against consumer standards, including the requirement to treat all tenants with fairness and respect, and understand and respond to the diverse needs of tenants. Some housing associations do collect these data for their own purposes, but this does not appear to be standard practice within the sector. Qualitative assessments of the lived experience of tenants, including the experiences of groups with protected characteristics, are also notable by their absence. The only means through which any failings and the impacts on tenants might come to the attention of the regulator is through direct complaints from individual service users. This reflects the fact that the regulator's approach to consumer standards is reactionary and action can only be taken in instances where information is received about a failure to meet these standards and there is serious detriment to tenants. Consequently, the likelihood of such issues coming to light is inevitably limited. This fact helps explain why the select committee inquiry into the regulation of social housing in England concluded that it is difficult to say how prevalent discrimination is within the sector (Levelling up, Housing and Communities Committee, 2022).

Regulatory actions on equalities issues

There is little evidence of actions taken by regulators on equality issues. For example, a review of regulatory judgements by the Regulator of Social Housing in England from 2015 through to 2022 revealed that only 19 of almost 500 judgements related to the failure to meet consumer standards resulting in a serious detriment to tenants. In only one of these 19 cases was the issue of fairness in the treatment of tenants explicitly referenced. In this case unfairness was reported to have arisen for a number of reasons including "staffing and cultural issues". Furthermore, at present the regulator in England does not monitor complaints received on the basis of protected characteristics, although this may change moving forward (see Regulator of Social Housing, 2020). Without ethnic monitoring it is unclear how either the regulator or landlords themselves can be sure they are fulfilling their duties under the equality act to promote equality and fairness.

There is also little evidence of ethnic inequalities, discrimination or unfair treatment being a prominent feature of complaints via Ombudsman services. Some stakeholders interviewed as part of the study suggested that a lack of evidence reflects the fact that racism is not widespread within the sector. One stakeholder with expertise in regulation argued that the social housing sector was committed to tenants and that individuals working in the sector were very much alive to the inequalities that they may experience – indeed, this was viewed as a driving force in many pursuing careers within the sector (Regulation and governance stakeholder (ii), Scotland). This may well be true, but it is difficult to confirm or deny such claims due to the absence of robust data allowing patterns and trends in the experiences and outcomes of different groups to be analysed. Furthermore, the individualised nature of the complaints process places a burden on the complainant to identify discrimination or unfair treatment as the reason for the difficulties they have encountered. This will not always be apparent to the individual. Indeed, differences in the experiences and outcomes of a particular group often only become apparent as a result of ongoing review and analysis of outcomes across all service users. The individualised complaints process and lack of data monitoring limits the likelihood of such insights emerging. Stakeholders also suggested that people might be reluctant to reference racism within a complaint:

“when that is raised, people [individuals or organisations being complained about] get defensive. And I think that just puts people [complainants] in a really difficult position. . .that accusation is seen as very negative. And I think that just puts a double burden on people. . .so I think there are real barriers to raising this as an issue” (Regulation stakeholder, Scotland).

In Wales, some stakeholders reported that recent years had witnessed an improvement in practice and performance in relation to equality issues. Others were more critical:

“the core purpose, the social justice drive, runs through the sector in both countries [Scotland and Wales]. . .and is often why people work in housing. . .If you take that as the starting point, it would be very easy to assume that on things like racial equality the housing sector at scratch would be proactive and would have strategies, mechanisms, policies in place to deal with it. Unfortunately, I don’t think that reality always matches that assumption. . .It’s more of a neglect of the issue rather than actively being racist, or actively ignoring the equality angle. But the outcome isn’t different for the person at the end of that” (Regulation and governance stakeholder, Scotland)

Several stakeholders working in the sector over the longer-term reported that there had been only limited progress in tackling ethnic inequalities and promoting greater fairness. One respondent noted:

“I don’t think it’s got any better” [particularly in relation to] “black and minority ethnic people in senior roles. . .and also I’m not sure that necessarily the services have improved in a sensitive way”. (Social housing stakeholder, Wales)

Another stakeholder in Wales pointed to the need for a greater focus on tenants “and specifically to hear ethnic minority tenants and their experiences” (Race equality stakeholder, Wales).

It is important to recognise that regulators can play a key role, in addition to the formalities of regulatory action. This can include promoting good practice, for example, by exercising their authority to undertake reviews of practice and performance on specific themes, and generate advice, information and good practice guidance. Few examples were uncovered of regulators in England, Scotland or Wales utilising these soft powers to drive positive change in the sector. In response, one respondent suggested that undertaking a:

“thematic review of. . .race equality, gender. . .what equality looks like within the housing profession and across the social sector. . .actually could be quite a useful, like it shines a light on an issue in a way that makes everybody focus on it” (Social housing stakeholder, UK).

How to regulate for race equality?

In recent years, increasing attention has been paid to equalities within regulatory frameworks in England, Scotland and Wales. Stakeholders related these developments to wider social forces and, in particular, the way in which the response to the killing of George Floyd and the Black Lives Matter movement catalysed debate. Sector-specific developments were also referenced, including the national conversation promoted by the Grenfell Tower fire, investigative reports by ITV news into poor housing conditions in social housing, and the activities of social media campaigner Kwajio social housing, who uses Twitter as a platform to highlight poor housing conditions in the social housing sector.

Welcome as this increasing attention is, this review found that attention to race equality within regulatory frameworks remains limited and there is little evidence of action by regulators to challenge poor performance or promote good practice. In response, Figure 2 presents a series of examples of regulatory interventions in social housing that might be implemented in a bid to more actively promote race equality.

The examples in Figure 4.2 are composites based on regulatory approaches previously implemented in the UK during an era when there was a more explicit focus on promoting race equality. These approaches were identified through

a review of relevant historical sources. The list of examples illustrates some of the key forms that regulatory practice in race equality in social housing might take across the spectrum of approaches to regulation originally explored in Figure 4.1. These range from rules and enforcement activities; through regulatory interventions implemented by the regulator of social housing; to alternatives to regulation, including the sharing of information, advice and good practice, which might involve various agencies including, for example, representative bodies within the sector and campaigning organisations.

Figure 4.2: Examples of regularity interventions on race equality in social housing along the continuum of regulatory approaches



There are two key points worth flagging about the options outlined in Figure 4.2. First, a requirement of regulatory systems is that they are consistent with and promote compliance with the law. This includes equalities legislation. As public bodies, the social housing regulator in each nation and the local authority landlords and housing associations they regulate are bound by the public sector equality duty (PSED) created under the Equality Act 2010. Under the equality duty public bodies must, when exercising their responsibilities and functions, exercise due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations. The proposals outlined in Figure 2 strive to be consistent with these responsibilities.

Second, the proposals recognise that race equality in social housing also falls under the remit of the UK's Equality and Human Rights Commission (EHRC), the regulatory body that is responsible for enforcing the Equality Act 2010. The EHRC has a range of powers to intervene in different sectors of the economy, including social housing, that extend from light-touch incentives such as publishing advice and guidance, through to legal enforcement powers (see Chapter 2 for further discussion of the EHRC's current role and related activities).

Conclusion

In recent years, regulatory frameworks have begun to foreground equality of opportunity within consumer standards. There are also examples of increased attention to equalities issues within regulatory guidance on good governance. These commitments tend to be more direct and explicit in Scotland and Wales. In England, financial viability and risk management tend to trump other considerations, although the development of the NHF code of practice on good governance and the possibility of a more proactive role for the regulator in relation to consumer standards, raise the possibility that greater attention will be paid to equalities issues in the future.

Despite these developments, there is little evidence across England, Scotland and Wales of action by regulators to challenge poor performance or promote good practice in relation to equality of opportunity. Landlords are required to ensure equality and fairness in how they treat tenants. The role of the regulator is to assess whether landlords are having due regard to this requirement. It is questionable whether the regulatory regime is delivering upon this responsibility. The annual assurance process does not directly address equality and fairness. The most likely route through which inequality, unfairness and discrimination will come to light is through the complaints process. However, this relies upon the individual complainant suggesting that the reason they received poor service is related to their protected characteristics, something that is not always easy to evidence, particularly in the case of indirect discrimination. As a result, it remains difficult to comment on whether people are being treated equally and fairly, or to what extent (direct and indirect) discrimination remains a feature of the social housing sector in England, Scotland and Wales. This finding helps to explain why stakeholders across all three nations were commonly in favour of a more proactive approach to the regulation of equality in social housing.

Key elements of this enhanced approach might include: a clearer and more explicit statement of expectations consistent with duties under the equality act; the identification of equality and diversity as an explicit element of the inspection regime; attention to equalities issues within performance monitoring; the extension of active regulation beyond standard data returns to include qualitative assessments of tenant experiences; a programme of targeted reviews and regulatory action in response to evidence of underperformance; and the provision of good practice advice and guidance to support the role of boards and leadership teams within the co-regulatory approach.

5. Mainstreaming race equality in housing policy: the case study of Help to Buy

Summary

- Help to Buy (HTB) was launched in 2013 and is the largest government housing initiative, by value, of the last 10 years; it is projected to have cost £29 billion by 2023
- HTB aimed to promote an increase in home ownership and new build development through the provision of government backed equity loans to help people buy a new-build home
- by the end of 2021, almost 380,000 sales had been supported by the HTB programme (355,634 in England; 10,120 in Scotland; and 12,804 in Wales)
- Intended outcomes focused on the number of home buyers and new homes built; no attention was paid to who benefits, where and why
- There is no evidence of any steps being taken to ensure fair access to the programme in a manner consistent with responsibilities under the equality act
- HTB did not seek to address long-standing ethnic inequalities in access to home ownership
- A lack of monitoring data makes it difficult to draw any conclusions about equality and fairness in access to the benefits of the scheme

Introduction

This chapter explores the mainstreaming of race equality within national housing policy. It does so through a focus on the largest housing initiative, by value, of recent years; Help to Buy (HTB). The HTB programme was designed by the UK government, which was responsible for delivery of the scheme in England. Delivery in Scotland and Wales was the responsibility of the devolved administrations, who were provided with ring-fenced funding for their own HTB programme as part of their funding settlement. In the event, the scheme in Scotland and Wales largely conformed to the delivery framework designed by the UK government.

The goals of the scheme were to promote an increase in home ownership and new build development. It sought to achieve these twin objectives through the provision of government backed equity loans to help people buy a new-build home. HTB was launched by the UK government in 2013 and is projected to have cost £29 billion by 2023. By the end of 2021, a total of almost 380,000 sales had been supported by the HTB programme (355,634 in England; 10,120 in Scotland; and 12,804 in Wales) (House of Lords Built Environment Committee, 2022).

This chapter examines the means and mechanisms through which the HTB programme promoted equality and fairness in access to the opportunities provided by the scheme, and addressed long-standing ethnic inequalities in access to home ownership. It draws upon findings from analysis of the theory of change underpinning the programme, and comparative analysis of the approach to delivery in England, Scotland and Wales. Programme documentation and outcome data were analysed, and insights were also garnered through stakeholder interviews.

Discussion starts by reviewing the design and delivery of the scheme. The mainstreaming of race equality within the programme is analysed and conclusions drawn. Discussion then considers what form a HTB programme more attuned to race equality might take, drawing on lessons learnt about mainstreaming race equality from the evaluation of previous policy initiatives.

Design and delivery of HTB

The theory of change

Table 5.1 details how HTB is intended to generate a chain of results that deliver upon the twin goals of increasing access to home ownership, particularly for first time buyers; and increasing the national rate of housebuilding. It also summarises key outputs and outcomes. Table 5.1 focuses on the HTB scheme in England. In Scotland and Wales, the devolved administrations fulfilled the role played by Homes England. The goals of the scheme focused on promoting growth in home ownership and new-build development. Announcing HTB in 2013, the then Chancellor George Osborne argued that barriers to providing deposits for home purchases “set back social mobility and it’s been hard for the construction industry” and explained that the scheme was designed as “a great deal for homebuyers. . . a great support for home builders”.(Osborne, 2013). He went on to argue that “Now help is available to all buyers of newly built homes, on all incomes. . . available to anyone looking to get on or move up the housing ladder”.

This emphasis on HTB providing opportunities for all might help explain why questions about who might benefit and under what circumstances do not appear to have surfaced during the design of the scheme, beyond attention to two considerations. First, in 2014 then Financial Secretary to the Treasury Sajid Javid gave a speech on Islamic finance and Help to Buy, announcing an amendment to the rules for HTB to ensure providers of Home Purchase Plans (a Sharia-compliant alternative to a mortgage) would be able to access the scheme. Second, the scheme design recognised higher house prices in London, which led to the granting of equity loans up to 40 per cent the price of the house in Greater London compared to 20 per cent outside London.

Intended outcomes for HTB related solely to quantitative measures of home buyers and new homes built. The home buyers targeted were deposit-constrained households, the stated ambition for the scheme being to ensure “both current and future generations . . . experience the benefits of owning their own home, in the same way their parents and grandparents were able to” (DCLG, 2013). The goals of the programme did not pay attention to qualitative concerns about precisely who benefits, where and why, beyond a broad emphasis on first-time buyers on average incomes.

Table 5.1: Help to Buy: Programme Theory (England)

GOALS	THEORY OF CHANGE	INPUTS	ACTIVITIES	OUTPUTS	OUTCOMES
1. Support deposit-constrained households to buy a new-build property; no targets for the number of households supported	A government backed equity loan scheme will help increase availability of high loan-to-value and high loan-to-income mortgages	Ministry of Housing, Communities and Local Government	<ul style="list-style-type: none"> design of the scheme simple to administer, understand & access no targets; demand-led not means-tested open to first-time buyers (2013-23); previous buyers (2013-21) 	20% equity loans interest for 5 years granted to approved applicants outside London towards a new-build property worth up to £600,000 (40% equity loan in London)	37% of buyers could not have bought a property without the scheme; around 78,000 additional sales
		People who could not otherwise afford mortgages are helped to buy their own new-build home	Homes England: non-departmental public body sponsored by MHCLG		<ul style="list-style-type: none"> delivery of the scheme register and contract developers & HTB agents equity loans to buyers on advice of HTB agents
2. Increase the rate of house building in England by increasing demand for new-build properties; no targets for the additional number of new homes built	There is an increase in demand for new homes	Private developers registered to offer the scheme (2,000+)	<ul style="list-style-type: none"> build new homes direct potential buyers to HTB agents 	£13.9 billion of equity loans granted in England (2013 - 2019), projected to rise to £29 billion by 2023	Estimated 14.5% more new properties being built
		HTB agents - 7 regionally based companies	<ul style="list-style-type: none"> perform affordability checks on potential buyers process applications receive £315 per completed sale 		Lower levels of engagement in areas where housing less affordable (e.g. London)
3. Contribute to economic growth through the achievement of the first two objectives	Developers are encouraged to increase their rate of building	Mortgage administrators	<ul style="list-style-type: none"> administer the loans on behalf of Homes England manage redemptions and interest fees 	Around 352,000 homeowners estimated to have bought with the support of the scheme by March 2021	Analysis in 2017 suggested beneficiaries include a higher proportion of BAME buyers than amongst first-time buyers generally
		There is an increase in housing supply	Scheme forecast to support a total of 462,000 households by 2023		19% of buyers were previous owners
					Over half of all properties sold with support of the scheme built by five developers; number of properties they have sold each year and annual profits have increased
					Evidence of price inflation in some areas that is more than the subsidy provided by the scheme

Analysis of the programme uncovered no evidence of any conscious effort to promote fair access to the programme in a manner consistent with responsibilities under the equality act to protect individuals from unfair treatment and promote a fair and more equal society. No evidence was found, for example, of advice and guidance on promoting equality and fairness in access to the benefits of the scheme being issued to the multiple agencies involved in delivering the programme (private developers, HTB agents and mortgage administrators) and no evidence was uncovered of practice and performance being evaluated on this basis. One stakeholder argued that there was a real need for programmes “to reach out to people, they need to explain, and they need to inform” (Equalities stakeholder, Scotland). Where this did not happen, as with Help to Buy, this enables policy makers to say:

“it’s their fault if they’re not claiming it, if they’re not taking benefit from it, they’re not getting the right housing. . . It’s their fault, not ours. We are going to everyone, we are fair. . . We don’t say ‘no’ to anyone, we don’t discriminate” (Equalities stakeholder, Scotland).

It was suggested that this perspective was rooted in “dated and old-fashioned thinking” about equality. This approach is also somewhat surprising given historical evidence of discrimination in the mortgage market (Phillips and Harrison, 2010) and more recent evidence of ethnic inequalities in access to financial services in the UK (Kara and Molyneux, 2017).

No evidence was uncovered of design and delivery of the programme responding to advice from HM Treasury (2021) for policy interventions to look for positive opportunities for promoting greater fairness for protected groups, for example, through the targeted marketing of the scheme at groups historically underrepresented in the sector. As a race equality stakeholder in Scotland argued:

“it’s a common issue that people just don’t think about these kinds of long-standing inequalities when they are designing things like this, because it’s not seen as a mainstream concern that everybody should be aware of and doing something about. It’s pushed to one side: ‘that’s to do with equalities and that’s not necessarily what we work in’. Whereas almost everybody that works designing these things should have a knowledge of race inequalities”.

Why scheme goals, inputs and associated activities pay no explicit attention to equalities issues is unclear. It is difficult to see how a focus on equality would undermine delivery of the scheme’s key goals of helping more people to buy their own home and increasing the number of new homes being built. Doing so would also be consistent with responsibilities under the public sector equality duty and government commitments on equality and diversity (MHCLG, 2021; HM Treasury, 2021; Homes England, 2020; Scottish Government, 2016; Welsh Government, 2021b).

Perhaps the fact the scheme is open to anyone who meets the affordability criteria and was designed to be straightforward to administer, simple to understand and easy for applicants to access is deemed enough to ensure that people have fair and equal access to the service. This reasoning might help explain why, despite the absence of robust monitoring data, the Equalities Impact Assessment for HTB Scotland (Scottish Government, 2020a) was able to conclude that “there are no potentially negative impacts to equality groups within the Help to Buy schemes” and that “the Help to Buy (Scotland) schemes do not give rise to any equality issues”. One stakeholder noted that this was not uncommon in schemes which were seen to be positive or additional:

“You find that a lot of people when they approach equality impact assessments, they’re just doing it like a box ticking kind of thing, rather than using it to actually scrutinise the policy for race equality impacts... Very frequently you will find that if it’s like a positive policy, you will just see well if it’s a positive policy it will have positive impacts for all equality groups” (Race equality stakeholder, Scotland).

Programme outputs and outcomes – the evidence

Statistics about the HTB scheme are reported quarterly in England, Scotland and Wales. These data include information about: the number of properties bought with an equity loan; the total value of those equity loans; the value of properties sold under the scheme; the proportion of buyers who were first-time buyers; regional breakdown of number of purchases; completions by purchase price and first-time buyer status; average purchase price; type of property purchased, by first-time buyers status; and household income. These statistical releases contain no data about the characteristics of households benefiting from HTB, beyond first-time buyer status, income, and geographical location. This is because no monitoring data is routinely collected about the characteristics of the people applying to and benefitting from the HTB scheme in England, Scotland or Wales (other than information on the age and sex of applicants in Scotland).

Without robust monitoring data, it is difficult to draw any conclusions about equality and fairness in access to the HTB scheme for different groups, including those with protected characteristics. It therefore remains unclear whether the scheme delivers against the commitments of the Scottish or Welsh Governments on race equality in housing (see Chapter 2), or Homes England’s equality, diversity and inclusion objective of actively contributing to the delivery of housing that meets the needs of people with protected characteristics (Homes England, 2020).

Evaluations of HTB commissioned by governments in England, Scotland and Wales represented a further opportunity to cast light on the equality and fairness of the programme. The Welsh Government carried out an evaluation of Help to Buy in 2016 (Welsh Government, 2016), which included a survey of buyers and developers. The focus was on satisfaction with the administration of HTB and nothing is said in the report about who is and is not benefitting from

the scheme. In Scotland, an evaluation of the government's three shared equity homeownership schemes – including Help to Buy – was published in 2020. The evaluation included analysis of secondary data and a quantitative survey with buyers and developers, which explored issues including the characteristics (including ethnicity) of buyers using the scheme (Scottish Government 2020b). The evaluation profiled the ethnicity of the 16% of buyers responding to the survey. A total of 10 per cent of respondents were from a minority ethnic group; seven per cent were described as being from a “from a visible minority background” (including Mixed / Multiple; Asian; Asian Scottish or Asian British; African; Caribbean or Black; or Other) and three per cent from a White Polish background (Scottish Government, 2020b). Nothing is said about the significance, or otherwise, of this headline data.

In England, analysis in 2017 suggested that around a quarter of scheme users were from minority ethnic groups, compared with 15 per cent of first-time buyers nationally (National Audit Office, 2019). This might be read as evidence that delivery of the scheme has served to promote access to the scheme across different ethnic groups and overcome some of the entrenched barriers minority ethnic households can encounter accessing home ownership. Certainly, this finding has been championed by the UK government in its response to the report of the Commission on Race and Ethnic Disparities (HM Government, 2022). However, it is difficult to comment on the significance of headline data, such as that reported in England and Scotland.

First, putting such figures in context demands an understanding of latent demand for home ownership within different ethnic groups, which is likely to vary on the basis of age profile and socio-economic status, as well as pent up demand associated with a history of problems accessing home ownership. Second, there is the possibility that such headline figures mask variations in access to the scheme between different minority ethnic groups. Third, it is unclear whether the sample of buyers surveyed was representative of the wider population of scheme beneficiaries. The evaluation in England sought to address this fact by extrapolating the headline figure from a weighted survey of scheme users, but it is difficult to know whether the resultant sample was representative of scheme beneficiaries from 2013 through to 2023, as the data is a snapshot from the time of the evaluation.

How could the HTB programme have actively promoted race equality?

Table 5.2 provides an illustration of how a commitment to race equality might have been integrated into the design and delivery of HTB in a manner that is supportive of the overarching goals of helping more people to buy their own home and increasing the number of new homes being built. Two equalities goals are identified.

The first goal is the promotion of fair and equal access to the scheme. This ambition is consistent with responsibilities under the public sector equality duty. Delivery would involve a commitment from all partners to fair access and equality of opportunity. The design of the scheme would seek to minimise barriers that might restrict access for particular groups. Engagement with the scheme and associated outcomes for different ethnic groups (and other protected characteristics) would be monitored and evaluated, rather than presuming they are a product of individual choice. Analysis would seek to understand what factors contribute to differential outcomes, and any inequalities would be addressed through improvements in service delivery.

Table 5.2: Help to Buy: inserting race equality into the programme theory (England)

GOALS	THEORY OF CHANGE	INPUTS	ACTIVITIES
<p>The scheme provides equality of opportunity.</p> <p>The scheme helps increase access to home ownership for populations historically under-represented in the sector.</p>	<p>People from different ethnic groups have fair and equal access to the publicly funded service.</p> <p>Assistance is provided to help overcome barriers known to restrict access to home ownership for particular groups.</p> <p>Levels of home ownership increase.</p>	<p>Ministry of Housing, Communities and Local Government</p>	<p>The service is consciously designed and delivered to ensure consistency with the public sector equality duty, meeting the needs of all communities and advancing equality of opportunity</p>
		<p>Homes England: non-departmental public body sponsored by MHCLG</p>	<p>Commitment to the equality duty and equal access to the service for all groups are communicated to staff, partner agencies and prospective service users.</p> <p>Targets and performance indicators spotlight the importance of engaging people from a diversity of backgrounds, including groups historically underrepresented in the sector.</p>
		<p>Private developers registered to offer the scheme (2,000+)</p>	<p>The type and quality of service accessed by different ethnic groups is monitored and evaluated. Disparities by ethnicity are analysed and understood, for example, through service user surveys, staff consultation and the evaluation of statistical evidence.</p> <p>Steps are taken to ensure unintended consequences that disadvantage particular groups are removed / minimised and people from all ethnic groups have fair and equal access to the service. This might include attention to how the service is marketed and the practices of the key agencies (developers; HTB agents; mortgage administrators).</p>
		<p>HTB agents - 7 regionally based companies</p> <p>Mortgage administrators</p>	<p>Innovations are introduced to improve performance on race equality and increase the engagement of particular groups that are underrepresented in the scheme.</p>

The second goal is realising the opportunity the scheme provides to address entrenched inequalities in access to home ownership. Rates of home ownership vary dramatically by ethnicity. Some populations continue to experience relatively low levels of home ownership. For example, in England, 20 per cent of Black African, 40 per cent of Black Caribbean and 46 per cent of Bangladeshi households are homeowners, compared to 63 per cent of all households in England (MHCLG, 2019). The scheme provided an opportunity to tackle these long-standing inequalities. This would have involved engaging underrepresented groups, for example, through appropriate marketing; sensitising delivery to promote participation; and revising the scheme, as appropriate, in response to monitoring and analysis of outputs and outcomes. Such efforts would be consistent with the principle of positive action recognised in the Equality Act, which is founded on the understanding that some groups can sometimes need more help and encouragement to benefit equally from a particular service (Government Equalities Office, 2010).

Conclusion

Help to Buy is the largest government housing initiative of recent years. The design and delivery of the programme appears to have paid no attention to ensuring equality and fairness in access to the opportunities provided by the scheme. No consideration was given to the possibility that in order for all groups to benefit equally from the scheme some groups may need more help or encouragement than others. The presumption appears to have been that equality of opportunity was guaranteed by virtue of the scheme being open to anyone who meets the affordability criteria and designed to be simple to understand and easy for applicants to access. A lack of monitoring data means that it is not possible to establish whether this presumption proved correct and there was equality of opportunity in access to the scheme.

The design and delivery of Help to Buy also failed to pay attention to the potential for the scheme to increase access to home ownership amongst groups traditionally under-represented in the sector. This is despite positive action – such as targeted marketing, support and assistance – being allowed by the Equality Act in order to support members of a group overcome a disadvantage and benefit from a service.

The approach to equality of opportunity in the design and delivery of Help to Buy is consistent with the policy position in England outlined in Chapter 2. Race equality is neither a problem or a priority. Equality of opportunity is equated with treating everyone the same and is presumed to be guaranteed through the application of clear rules and procedures. There is limited engagement with the possibility that rules or arrangements that apply to everyone can put some people at an unfair disadvantage. It is less clear why the implementation of the scheme in Scotland and Wales took the same approach, given the more explicit policy commitment to race equality in housing in both countries.

6. Concluding remarks

There are long-standing ethnic inequalities in housing in England, Scotland and Wales. These inequalities matter and there are good social justice reasons to promote greater equality in the housing system. It is also a legal requirement under the Equality Act 2010. This study set out to understand how housing policy is rising to this challenge. The findings to emerge point to a notable shift in the policy and practice response to ethnic inequalities in housing over the last 20 years.

Previously, inequalities were understood to be the product of various factors that served to constrain choices within the housing system. These included the discriminatory practices of key agents (mortgage lenders, estate agents, letting agents and landlords). Over time, minority ethnic groups secured and exercised greater social citizenship rights. Discrimination and exclusion were challenged and difference was increasingly accommodated within policy. Grass-roots movements, race relations legislation and race equality initiatives helped to improve housing opportunities and outcomes (Phillips, 2005). Minority ethnic households continued to encounter barriers to meeting housing needs and aspirations, but the general process was one of progressive convergence (Powell and Robinson, 2019).

Attention to race equality in housing has since waned, despite ethnic inequalities remaining a feature of the UK housing system. Whereas once there was a wealth of research and analysis, this study confirms reports that there is now a dearth of up-to-date studies and a related scarcity of evidence and data (Shankley and Finney, 2020). Whereas once policy and practice recognised and actively sought to tackle ethnic inequalities in housing, this study confirms suggestions that these inequalities are now a marginal concern (Powell and Robinson, 2019).

The study revealed some important nuance within this broader picture. This includes evidence of a renewed commitment to race equality in Scotland and Wales, where recent policy statements recognise race equality in housing as a priority. This commitment is not fully embedded within housing policy and practice and analysis revealed some key areas of weakness in relation to implementation. However, it represents a notable break with the recent past and a significant point of divergence from the approach in England.

The UK government recognises persistent ethnic inequalities in housing but considers these to be the result of factors other than discrimination and racism. National policy statements in England do not recognise race equality in housing as a priority, helping to explain limited attention to the issue within the regulatory regime for social housing and the design and delivery of the Help to Buy scheme. The implications of this approach are difficult to unpick because of a lack of monitoring, analysis and evaluation. This is a common problem across England, Scotland and Wales, which makes it difficult to know whether housing policy and practice in the three nations is effectively protecting people from discrimination and promoting equality of opportunity as required by the Equality Act.

Beyond government, there is some evidence that wider popular and political debates around equality, discrimination and racism in society are prompting a reassessment of the approach to race equality in housing in England. The National Housing Federation code of practice on good governance is a case in point. Whether government policy will be swayed to follow suit remains to be seen. Only time will also tell how effective Scotland and Wales prove in translating the policy commitment to race equality in housing into practical action.

Finally, a key lesson to be drawn from this study is that, in the absence of contemporary evidence of what works, why, where and when, much can be learnt about promoting equality in housing from revisiting the rich historical evidence base of research and analysis, evaluation and good practice on race equality and housing generated from the 1970s through to the 2000s by research charities, regulatory and funding bodies, central and local government, campaign groups and housing academics.

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Appendix 1: Methods

The study was largely desk based exercise and involved identifying, collating and analysing publicly available information and evidence. In addition, more than 20 semi-structured interviews were conducted with key policy and practice stakeholders across England, Scotland and Wales from government, regulatory agencies, representative bodies, professional organisations, the BME housing and race equality sectors. Interviews focused on sense-checking emerging findings, casting further light on logics and rationales informing current approaches to understanding and responding to ethnic inequalities, identifying further information of relevance and spotlighting any examples of interesting or innovative policy and practice.

The approach to answering the four key research questions is summarised below:

- *What is the stated position and priorities of national housing policy in relation to race equality in housing?* The approach to answering this question focused on content analysis of policy statements (including White and Green Papers) by the UK, Scottish and Welsh Governments on housing and on race equality. Analysis was framed by attention to five key issues: acknowledgement of ethnic inequalities in housing; recognition or consideration of the causes of inequalities; commitment to race equality as an explicit objective and priority; attention to duties under the Equality Act (eliminating discrimination, advancing equality of opportunity and meeting the specific needs of particular groups where these are different from other people); and specific proposals for promoting race equality in housing.
- *What data and evidence is available about diversity and difference in housing and the factors driving inequalities, including discrimination and racism?* The focus here was on understanding what data, information and evidence is being generated and what analysis is being undertaken to understand ethnic inequalities in housing and guide the policy response. This included attention to officially commissioned surveys, administrative data, research evidence, strategies and action plans, and service evaluation.
- *How does regulation of the housing system challenge discrimination and promote race equality?* Analysis focused on the case study of social housing regulation and involved a desk-based review of the regulatory frameworks in England, Scotland and Wales and their attention to exposing, challenging and addressing ethnic inequalities and promoting race equality. This included analysing available documents from the different social housing regulators and ombudsman services in the three nations, including: regulatory standards and frameworks; codes of governance; annual reports and corporate plans; analytical, insight, and thematic reviews; classifications of regulatory judgements and ombudsman complaints; and organisational equalities statements and objectives. Insights from stakeholder interviews were also drawn upon to illuminate key regulatory challenges and issues.
- *How is race equality mainstreamed within national housing policy?* The focus here was on analysing the mainstreaming of race equality within a major national housing policy initiative; Help to Buy. This involved the review of statements, guidance and evaluation evidence in order to analyse the theory of change guiding the programme and the attention of delivery to help address long-standing ethnic inequalities in access to home ownership and ensure equality and fairness in access to the benefits of the programme. Insights from stakeholder interviews were also drawn upon to inform analysis.

A challenge that emerged during analysis was how to venture beyond description and assess the strengths and weaknesses of current efforts to understand and respond to ethnic inequalities in housing and promote race equality. Analysis of the gap between the current situation and ideal state of affairs is only possible if there is a clear, reasoned notion of what this ideal might entail. A recurring theme during analysis was the relative dearth of contemporary information, evidence and guidance about what an effective approach to tackling ethnic inequalities and promoting race equality might look like in relation

to national policy framework, the regulatory regime, policy initiatives and targeted interventions.

In response, analysis mined the rich historical evidence base of research and analysis, evaluation and good practice on race equality and housing generated from the 1970s through to the 2000s by housing academics, research charities, regulatory and funding bodies, central and local government and campaign groups. The insights to emerge from this rich, but often neglected, evidence base provided a useful counterpoint against which to judge the contemporary approach, and a rich source of ideas for addressing observed weaknesses and failings.