

Submission to Department for Levelling Up, Housing and Communities: Consultation on reforms to social housing allocations

About the Runnymede Trust

The Runnymede Trust is the UK's leading race justice think tank. We were founded in 1968, to provide evidence on structural racism, to inform policymakers and public opinion about the reality of racial inequalities, and to work with local communities and policymakers to tackle them. Our authoritative research-based interventions equip decision makers, practitioners and citizens with the knowledge and tools to deliver genuine progress towards racial justice in Britain.

Background

Under new social housing proposals being suggested by the government, prospective social housing tenants will not be eligible for social housing if they have not lived in the UK for more than 10 years, or have a previous conviction for Anti- Social Behaviour or terrorism offences.

The Runnymede Trust has provided a response to the government's consultation, an amended version of which can be found below.

Response from the Runnymede Trust

Introduction

Access to public goods, in this case social housing, must be available to all, regardless of immigration status, nationality, ethnicity or past criminal conviction. With this in mind, the Runnymede Trust is deeply concerned about new government proposals to amend social housing allocation rules. In particular, we are highly concerned about proposals to introduce policies which would require potential social housing tenants to have lived in the UK for 10 years before they become eligible for social housing. We believe such a policy would discriminate against recently arrived migrants, the majority of whom are people of colour. In addition, we are concerned that proposed policies, which would mean those with a previous conviction for Anti- Social Behaviour offences are not eligible for social housing, will discriminate against people of colour.

People of colour are more likely to need and live in social housing. Black people are more than three times as likely to experience homelessness as white people in England, and twice as likely in Scotland.¹ We are deeply concerned that these proposals may result in a rise in

¹ Shelter England. (2020, October 1). *Black people are more than three times as likely to experience homelessness - Shelter England* [Press release]. https://england.shelter.org.uk/media/press_release/black_people_are_more_than_three_times_as_likely_to_experience_homelessness

homelessness, particularly within these communities. In addition, people of colour in England living in all tenure types are more likely to live in overcrowded accommodation.² We are concerned that these proposals are likely to make this situation worse, by pushing people of colour out of social housing. Evidence from the COVID-19 pandemic shows the deadly consequences of overcrowding.³

Black people in England and Wales are three times as likely to live in social housing than their white counterparts.⁴ However, people of colour are more likely to face additional barriers into social housing, and are often funnelled into the poorest quality and least desirable properties.⁵ This is having devastating consequences on the families that live in these homes. The death of two year old Awaab Ishak last year, who died due to damp and mould in his family's socially rented flat, brought greater public awareness to these conditions, though testimonies from many other families confirm that this was by no means an isolated case.

We are highly concerned that this consultation, and accompanying government rhetoric, seeks to conflate shortages in access to social housing with migrants' habitation of social housing, when this is an incorrect assumption. Data from the government shows that there is no 'direct relationship between population change (as a result of migration) and housing demand'.⁶ Indeed, as demonstrated by organisations including Shelter UK^{7,8} underpinning the demand for social housing is a failure of the successive governments to build adequate housing stock in line with demand. Instead of clamping down on who has access to social housing, the government must instead commit to building and maintaining more good quality social housing, and ensuring that all who need it have fair access to it.

UK Connection Test

Under proposed reforms to social housing allocations, the government is proposing that an individual should have to demonstrate a connection to the UK for ten years before qualifying

²House of Commons Library. (2023). *Overcrowded housing (England)*.

<https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://researchbriefings.files.parliament.uk/documents/SN01013/SN01013.pdf>

³The Runnymede Trust. (2020). *Over-Exposed and Under-Protected: The Devastating Impact of COVID-19 on Black and Minority Ethnic Communities in Great Britain*.

https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://assets-global.website-files.com/61488f992b58e687f1108c7c/61c31c9d268b932bd064524c_Runnymede%20Covid19%20Survey%20report%20v3.pdf

⁴Mohdin, A., & García, C. A. (2023, March 15). Black people in England and Wales three times as likely to live in social housing. *The Guardian*.

<https://www.theguardian.com/society/2023/mar/15/census-black-britons-social-housing-ons#:~:text=11%20months%20old-,Black%20people%20in%20England%20and%20Wales%20three%20times,to%20live%20in%20social%20housing&text=Black%20people%20in%20England%20and%20Wales%20are%20almost%20three%20times,are%201.6%20times%20more%20likely.>

⁵Bristow, A. (2021). Meeting the housing needs of BAME households in England: the role of the planning system.

<https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://i-sphere.site.hw.ac.uk/wp-content/uploads/sites/15/2021/08/A.Bristow-Final-report.pdf>

⁶Houses of Parliament. (2017). *Migrants and Housing*.

<https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://researchbriefings.files.parliament.uk/documents/POST-PN-0560/POST-PN-0560.pdf>

⁷Shelter England. (n.d.). *Social housing deficit - Shelter England*.

https://england.shelter.org.uk/support_us/campaigns/social_housing_deficit#:~:text=Social%20housebuilding%20in%20England%20is,a%20deficit%20in%20social%20housing.

⁸Shelter UK. (2019). *A vision for social housing*.

https://england.shelter.org.uk/support_us/campaigns/a_vision_for_social_housing

for social housing. Certain exemptions apply, including if the prospective tenant arrived in the UK on a UK Resettlement Scheme, Afghan Relocations and Assistance Policy Scheme, Afghan Citizens Resettlement Scheme, or the Ukraine temporary visa schemes. However, those with No Recourse to Public Funds and migrants who have been in the country for less than 10 years will not be eligible for social housing under these proposed reforms.

The Runnymede Trust does not agree that an individual should have to demonstrate a connection to the UK for ten years before qualifying for social housing. We argue that there should be no connection test implemented. The test is discriminatory against migrants recently arrived in the UK, the majority of whom are people of colour.⁹

Migrants are already subject to limitations in trying to access social housing. People who are subject to immigration controls, particularly No Recourse to Public Funds (NRPF), are not eligible for social housing or homelessness assistance, until they have obtained indefinite permission to enter or stay, or specified forms of limited permission which are not subject to the NRPF condition. The majority of these people are people of colour, according to the Oxford Migration Observatory.¹⁰¹¹

It is likely that any policy that seeks to exclude migrant groups from accessing public goods, in this case social housing, will also lead to discrimination against all people of colour, regardless of their migration status. The Immigration Act (2014) Right to Rent scheme, which forces private landlords to check the immigration status of tenants and potential tenants, discriminates against people of colour, who are more likely to be asked to provide details of their immigration status than their white counterparts, according to government findings.¹² 42 percent of landlords saying they would be less likely to rent their property to people “who didn’t hold a British passport” or who “appeared to be immigrants”.¹³ More generally, between 2014 and 2018, Black Londoners were five times as likely as white Londoners to say the reason for their most recent house move was that their “landlord asked me to leave”.¹⁴

Anti- Social Behaviour

⁹ *The changing picture of long-term international migration, England and Wales - Office for National Statistics*. (2023, January 27). Office for National Statistics.

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/thechangingpictureoflongterminternationalmigrationenglandandwales/census2021#:~:text=Source%20-%20Office%20for%20National%20Statistics%20-%202021%20Census&text=When%20breaking%20down%20into%20individual,Middle%20East%20and%20Asian%20countries.>

¹⁰ Home Office. (2023). *Public Funds: Migrant access to public funds, including social housing and homelessness assistance, and social care.*

https://doi.org/chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://assets.publishing.service.gov.uk/media/651eb1b279fc58000d639649/Public+funds__1_.pdf

¹¹ The Migration Observatory. (2023). *Deprivation and the no recourse to public funds (NRPF) condition.*

[https://migrationobservatory.ox.ac.uk/resources/briefings/deprivation-and-the-no-recourse-to-public-funds-nrpf-condition/#:~:text=At%20the%20end%20of%202022,substantially%20up%20from%20previous%20years.&text=At%20the%20end%20of%202022,%20the%20top%20nationalities%20in%20visa,and%20Hong%20Kong%20\(121,000\).](https://migrationobservatory.ox.ac.uk/resources/briefings/deprivation-and-the-no-recourse-to-public-funds-nrpf-condition/#:~:text=At%20the%20end%20of%202022,substantially%20up%20from%20previous%20years.&text=At%20the%20end%20of%202022,%20the%20top%20nationalities%20in%20visa,and%20Hong%20Kong%20(121,000).)

¹² Home Office. (2023). *Compliant environment: overarching equality impact assessment.*

<https://www.gov.uk/government/publications/compliant-environment-overarching-equality-impact-assessment/compliant-environment-overarching-equality-impact-assessment-accessible>

¹³ JCWI. (2015). *“No Passport Equals No Home”: An independent evaluation of the ‘Right to Rent’ scheme.*

¹⁴ Positive Money. (2023). *The Impacts of the Housing Crisis on People of Different Ethnicities.*

<https://doi.org/chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://positivemoney.org/wp-content/uploads/Positive-Money-Housing-Demographics-Report-April-2023.pdf>

Access to social housing should not be determined on the basis of past criminal or civil conviction. It is important, too, to consider the impact this will likely have on people of colour due to racial biases and disproportionalities present in the criminal justice system.

We are concerned that deciding on social housing allocation depending on anti-social behaviour convictions/sanctions will disproportionately impact people of colour. There is already evidence that behavioural control orders, such as Knife Crime Prevention Orders, are used disproportionately against young Black men and boys.¹⁵ Freedom of Information Request data obtained over a 7 month period from July 2021 show that black people are subject to half of Knife Crime Prevention Orders, despite only 13 percent of Londoners identifying as Black.¹⁶ Contrary to claims that Behavioural Orders divert people away from the criminal justice system, evidence demonstrates that they actually lead to so-called 'delinquency'.¹⁷¹⁸ More generally, significant racial disproportionalities exist within the criminal justice system that influence arrest rates and charging decisions against people of colour.¹⁹²⁰ The Baroness Casey Review into the standards of behaviour and internal culture of the Metropolitan Police Service in 2023 found the Metropolitan police to be 'institutionally racist', findings that the Runnymede Trust believe to be present in other police forces around the country.²¹ We are deeply concerned that, considering these disproportionalities and institutional failures, introducing social housing sanctions against those with civil orders against them will likely be highly discriminatory.

We believe that it is deeply inappropriate and discriminatory to introduce new, punitive measures to determine access to social housing.

Recommendations for government

¹⁵ Byline Times. (2022, February 25). Controversial Met Knife Crime Scheme Disproportionately Targets Black People. *Byline Times*.

<https://bylinetimes.com/2022/02/25/controversial-met-knife-crime-scheme-disproportionately-targets-black-people/#:~:text=Data%20obtained%20from%20a%20Freedom,of%20Londoners%20identify%20as%20black.>

¹⁶ Byline Times. (2022, February 25). Controversial Met Knife Crime Scheme Disproportionately Targets Black People. *Byline Times*.

<https://bylinetimes.com/2022/02/25/controversial-met-knife-crime-scheme-disproportionately-targets-black-people/#:~:text=Data%20obtained%20from%20a%20Freedom,of%20Londoners%20identify%20as%20black.>

¹⁷ Head, T. (2023). *Against Serious Violence Reduction Orders*.

[https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclclefindmkaj/https://assets-global.website-files.com/61488f992b58e687f1108c7c/654e3ee9fc29a51c7a3a4dc6_Runnymede%20SVRO%20Report%20v6%20\(1\).pdf](https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclclefindmkaj/https://assets-global.website-files.com/61488f992b58e687f1108c7c/654e3ee9fc29a51c7a3a4dc6_Runnymede%20SVRO%20Report%20v6%20(1).pdf)

¹⁸ JUSTICE. (2023). *Lowering the Standard: a review of Behavioural Control Orders in England and Wales*.

<https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclclefindmkaj/https://files.justice.org.uk/wp-content/uploads/2023/11/06143241/Lowering-the-Standard-a-review-of-Behavioural-Control-Orders-in-England-and-Wales-September-2023.pdf>

¹⁹ GOV.UK. (2023, October 24). *Arrests. Ethnicity facts and figures*.

<https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/number-of-arrests/latest/>

²⁰ Crown Prosecution Office. (2023). *CPS charging decisions - examining demographic disparities in the outcomes of our decision making*.

<https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making>

²¹ Baroness Casey of Blackstock DBE CB. (2023). *An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service*.

<https://doi.org/chrome-extension://efaidnbmnnnibpcajpcgclclefindmkaj/https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>

It is unclear whether the government has committed an Equalities Impact Assessment on these proposed policies. We urge the government to either commit such an assessment urgently, or publish the findings of any such assessment publicly. We also take this opportunity to remind the government of its obligations under the Equality Act 2010 to comply with the public sector equality duty, which we believe these proposals breach.

Instead we urge the government to act to solve structural inequalities in social housing allocation by:

- Committing to building more good quality social housing in line with demand,
- Suspending the No Recourse to Public Funds condition with immediate effect,
- Repealing the statutory framework for the discriminatory Right to Rent scheme,
- Commissioning an audit into the lettings policies of local authorities to identify and address racial discrimination in social housing