

1. Introduction

- 1.1 This report provides the response from Stonewall Housing to the public sector Equality Duty: Reducing bureaucracy Policy review paper.
- 1.2 Stonewall Housing exists to provide advocacy, advice and housing support, and to influence housing policy and practice, in order to improve the lives of lesbians, gay men, bisexual and transgender (LGBT) people.
- 1.3 Stonewall Housing provides housing advice and support to over 1,000 lesbian, gay, bisexual and transgender people each year. Over 50% of callers identify that their housing problem is related directly to their sexual orientation or gender identity. Many LGBT people do not feel safe approaching mainstream or statutory services for fear of the homophobia or transphobia they may encounter.
- 1.4 Stonewall Housing responded to the previous consultation on the Public Sector Equality Duty and is disheartened that the Government is now reversing the decisions made following the 373 responses to the draft regulations.
- 1.5 Stonewall Housing would recommend that the previous version of the Specific Duties Regulations remains unchanged, when public authorities were required to produce details of the engagement they have undertaken to determine their equality objectives in more than one area as well as the details of the equality analysis they carry out and the information they used to carry out the analysis.

2. Lighter-touch approach

- 2.1 Stonewall Housing believes a 'flexible, proportionate and light-touch' approach unfavourably considers business before their customers and those accessing the services of public bodies.
- 2.2 Stonewall Housing understands that public authorities face financial hardship with reduced capacity to deal with bureaucracy at this time but the public are also experiencing much hardship especially marginalised groups such as LGBT people and it is at these times that the Government should be protecting the most vulnerable by requiring public authorities to serve all members of society.
- 2.3 Stonewall Housing fears that this Government is re-defining the Equality Act as unnecessary 'red-tape'. The Government's role should not simply be to free-up business, it should also be to protect people. A little 'red tape' may be needed to guarantee the minimum standard of service that can be expected from all businesses and to prevent real damage to people's lives and wellbeing through harassment, abuse and neglect.

2.4 Stonewall Housing agrees with the previous Regulatory Impact Assessment which admitted that some legislation was needed to prevent ‘unintentional bias’ and that ‘social norms can take generations to develop without regulation’ therefore a light touch approach will not be sufficient if the Equality Act is to achieve its goals to eradicate discrimination, promote equal opportunities and foster good relations.

3. Community Engagement

3.1 Stonewall Housing would recommend that requirements to publish details of how public bodies have engaged with communities are replaced within the regulations because of the poor record that many public bodies already have around consulting with LGBT people.

3.2 Stonewall Housing disagrees with the Government when it asserts that removal of the requirement to publish details of how public bodies engage with communities will not have a negative effect on equality, rather it believes that many public bodies will continue to fail to engage with communities.

3.3 The record of engagement with LGBT groups has been mixed or very poor by public bodies and no requirement to publish details will not rectify this, especially if public bodies rely too heavily on ‘experimental’ data as recently published by the Office of National Statistics, which may not give a true picture of the size of the LGB population because of the way the survey was carried out.

3.4 The Government’s aim is to improve transparency but Stonewall Housing believes this can only be achieved through the publication of details on engagement, equality analysis and the information considered, which can then be challenged. Stonewall Housing questions how community groups, especially those with little capacity due to the shrinking public purse, will be able to challenge decisions made by public bodies if they have no information how such decisions were made.

4. Equality Objectives

4.1 Stonewall Housing recommends that the specific duties should demand a minimum standard from all public bodies for all protected characteristics. Public bodies should explain how they will protect all their service users and how they will measure the progress they have achieved.

4.2 Stonewall Housing believes that the Government should remove the reference to ‘one or more objective’. Stonewall Housing believes that since the regulations are unclear about when a single objective would be appropriate some public bodies may take the easiest route possible and produce only 1 equality objective every 4 years, which may mean different groups having different standards of service and more divided communities.

4.3 Stonewall Housing deals with LGBT people in housing crisis and the numbers of people approaching our services is increasing each year because meeting the needs of LGBT people is not high on the agenda for some public bodies. This may continue if the proposed changes to the regulations are passed because of the political sensitivity of LGBT issues and the lack of data available around LGBT needs.

5. National Equality Issues

- 5.1 LGBT people may not trust local public bodies at the moment, so placing more trust in these authorities to address their needs may be counter-productive, especially as LGBT communities may not be resident in high numbers in some local areas. Some public bodies may need national targets or directives in order to improve the experiences of LGBT people locally.
- 5.2 Stonewall Housing believes that the housing needs of older and younger LGBT people, emergency accommodation for LGBT people fleeing domestic abuse and LGBT asylum seekers may be best assessed nationally and made available to LGBT people in different localities. For example, the national strategy on housing in an ageing society admitted that specialised housing was not always sensitive to the needs of LGBT older people ('Lifetime Homes' (DCLG)). Without local and national agencies working together to consider the needs of older LGBT people, then this situation is unlikely to improve. It may also be more cost-efficient to consider communities of interest on a sub-national basis rather than a local basis.
- 5.3 Stonewall Housing is concerned that public authorities will now view the Equality Act as 'red-tape', cumbersome and unimportant and not prioritise meeting the needs of all their communities, including LGBT people, who are facing changes to their welfare benefits, social housing, health and social care and the changing landscape of public and voluntary sector services. Some equality issues may be better set nationally, or sub-nationally, and the new regulations do not allow for such considerations.