

REPORT BY THE EQUALITY OF OPPORTUNITY COMMITTEE

Statutory Code of Practice on Racial Equality in Housing (Wales)

The Commission for Racial Equality (CRE) is currently consulting on a revised Statutory 'Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Housing (Wales)'. The Equality of Opportunity Committee discussed the Code of Practice at its meeting on Thursday 12 May and, recognising the significance of the issues it raises, agreed to lay a report of that discussion before the Assembly in accordance with Standing Order 14.7. The Committee has also written to the Business Minister to request that if possible the Code of Practice be debated by the Assembly in Plenary session before the consultation period ends on 15 August.

The full verbatim transcript of the discussion is available on the Equality of Opportunity Committee's web page. The following issues were raised in discussion:

- The revised code will cover all aspects of housing and housing-related activities such as planning - replacing the two separate existing codes for rented accommodation and owner-occupied accommodation. It will have separate editions for Scotland, England and Wales, all based on the same law, but with the law expressed in ways that are relevant to issues in the individual countries, ie explanations of the legal requirements in the Welsh code will be supported by extensive use of examples or issues of best practice in Wales. The draft code is available in Welsh and English on the Commission for Racial Equality's website.
- CRE will hold a series of consultation sessions in South, North and mid Wales. In addition, in conjunction with Cymuned, it proposes to explore the relationship between race equality legislation and the development of housing and planning practice designed to sustain flourishing communities in which there is a strong basis for the future growth of the Welsh language.
- CRE currently receives most complaints about perceived, supposed or possible unlawful discrimination related to the relationship between the Welsh language and the provision of housing. It sees having a specific Welsh housing code as a way to address this and other issues of specific concern to Wales. Owner-occupation is a more significant factor in developing a housing strategy for Wales than it is in England. It therefore is more significant in addressing racial equality in housing in Wales than it is in England.

- There are some areas of housing practice in Wales that, from a race equality point of view, are worth being proud of. However they have not yet managed to become established as general practice, delivering fundamentally more equal housing opportunities for all groups. There remains an ethnic penalty in all areas of housing in Wales. On a like-for-like basis, recent research using the census and other up-to-date data shows that all minority groups in all types of housing experience a measurable deficit in the quality of their housing.
- Price trends in the private housing market over the last decade have not only made it harder for ethnic minority groups experiencing great housing need to secure improvements in the quality of their homes, but have also impacted significantly on the circumstances of those living in rural communities.
- The Committee believes that it is appropriate to give Assembly time to considering the code, particularly given that many areas that affect housing are devolved.
- Members welcomed the examples of the four main forms of discrimination included in the code. They were particularly pleased to see the plight of Gypsies and Travellers being highlighted. Such examples were systematic of the findings of the Committee in carrying out its review into discrimination in this area.
- The Committee also noted from the examples given that it is unlawful to advertise an intention to discriminate, even if it remains possible to discriminate in the decision taken.
- Elsewhere in the code, CRE notes things that can be done to enable communities to develop available and affordable housing for people in the local community, which is not a simple exercise. The code gives a detailed example - the longest one in the code - that covers the kind of steps that a housing provider would need to go through to ensure that they were able to meet local need, but also fit within race and other discrimination legislation requirements.
- Members noted the importance of balancing the obvious need to ensure that the law is observed and the need to more generally promote racial harmony.
- Members noted that 'Local homes for local people', is an issue across Britain and would be expected to be dealt with in all editions of the code. However, it was acknowledged to be of more significance in Wales because of the importance of the Welsh language, in terms of the identity of local communities.

- The Committee considered restrictions on resale and whether such restrictions should apply to a second sale. CRE Wales were asked to provide written advice on this issue
- The Committee welcomed the fact that CRE, as part of its consultation, will be carrying out a review of the housing need assessments and BME housing strategies and action plans, which public housing bodies should have in place.
- The Welsh Language Board pointed out that there were implications under race equality legislation for people who wished to advertise property and preparing home information packs in the medium of Welsh. The Welsh Language Board would be taking specialist advice in providing a response directly to CRE on the draft.
- The Committee noted that the issues raised by the code cut across the work of the Social Justice and Regeneration Committee and the Culture, Welsh Language and Sport Committee and would be important and of interest to all Members. This was a further factor in support of the Committee's desire to see the Code being debated in Plenary – if only as part of the consultative process.

Gwenda Thomas AM
Chair, Equality of Opportunity Committee