

Consultation Response Form

Response of the Equality and Human Rights Commission to the Consultation:

Consultation details

Title:	Integrated Communities Strategy green paper
Source of consultation:	Ministry of Housing, Communities and Local Government
Date:	5 th June 2018

For more information please contact

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Are you happy for the Ministry of Housing, Communities and Local Government to contact you to discuss your response?

Yes

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Please select an item from the drop down menu:

Organisational response

The Equality and Human Rights Commission (the Commission) is a statutory body established under the Equality Act 2006. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. The Commission enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It encourages compliance with the Human Rights Act 1998 and is accredited at UN level as an 'A status' National Human Rights Institution in recognition of its independence, powers and performance.

Summary of our response

We welcome this consultation on how to improve community integration. We are keen to see MHCLG use this opportunity to provide strong leadership, across central and local government, setting expectations around how the Public Sector Equality Duty should be driving positive policies and actions.

General Overview: When developing the strategy on integration MHCLG should have a wide concept in mind, looking to improve relations between all groups and backgrounds. It should not be focused on religious or ethnic groups.

We recommend that:

- MHCLG widens its concept of integration, to be truly reflective of all the different groups in society,
- MHCLG uses this strategy to take the lead in providing leadership in respect of the language and tone across government.

We consider the Public Sector Equality Duty could be strengthened by the UK Government using it to set specific equality priorities for the public sector.

Strengthening Leadership: we agree that stronger leadership is required in this area and we would encourage MHCLG to develop this aspect of the strategy with reference to the PSED responsibility on public bodies to foster good relations between groups, as well as tackling prejudice and promoting understanding between people from different groups.

We recommend that given the wide ranging nature of integration across all areas of government MHCLG consider establishing an inter-ministerial group for integration that takes leadership in identifying the equality/good relations in different sectors. Including Ministers from MHCLG, Home Office, BEIS, DWP, DfE and DH.

Supporting new migrants & resident communities: We welcome the development of a strategy to improve the integration of new migrants, in England, particularly the focus on refugees. However, there are three key areas where we think the strategy needs to be developed and we consider that lessons can be learned from the equivalent strategies in Scotland and Wales.

We recommend that:

- the Integrated Communities strategy adopts the principle that integration begins the day refugees and asylum seekers arrive in England in line with the other nations of Great Britain,
- the Integrated Communities strategy is supported by actions to improve access to core public services for refugees and asylum seekers,
- there is specific language and other targeted support for migrant women, including those with insecure immigration status,
- a full review into the impact of the UK Government's hostile environment policies on equality and good relations between new migrants and resident communities.

Young people & Education: The Commission supports the Government's expectation for all state-funded schools to be inclusive and welcoming of pupils of different backgrounds. However we recognise that there are still significant steps needed to ensure that the education system is equipped to provide inclusive education, where equality and human rights issues are a core part of the curriculum.

We recommend:

- addressing the needs of pupils with special educational needs and disabilities is built into the UK Government's proposals,
- that the UK Government remove its reservations to Article 24 of the UN Convention on the Rights of Disabled People and do more to secure the progressive realisation of an inclusive education,
- MHCLG work with DfE to make PHSE mandatory in England, and provide statutory guidance to support quality teaching and ensure it covers the full range of equality and human rights issues.

Places & Community: The development of proposals to promote integration through policies on housing must take account of the needs of disabled people. MHCLG should also ensure that the cumulative impact of integration policies is assessed.

We recommend

- MHCLG engage with disabled people and support our call for accessible housing to be a central element of the planning framework, to ensure that disabled people can become integrated into their communities,

- MHCLG review our report on Cumulative Impact Assessments to help them effectively assess the impact of integration policies.

Increasing Economic Opportunity: Tackling the high rates of unemployment for ethnic minorities and the different pay gaps are a key aspect in improving community integration, and there is clearly a role for a local approach.

We recommend:

- that local strategies include specific objectives around unemployment for ethnic minority groups,
- requiring public authorities to set public sector equality duty objectives to address their ethnicity and employment gaps.

Rights & Freedoms: Whilst we are heartened by the Government's announcement that there will be a white paper on online safety this year, we continue to call for a full review of hate crime legislation in England and Wales.

We also agree that there are situations where women's rights require specific protection and we welcome that the Government and relevant public authorities intend to take positive steps to raise awareness around specific issues such as religious and legal marriage.

We recommend that:

- The MHCLG use the development of the integration strategy to encourage the use of specific equality objectives under the Public Sector Equality Duty,
- this aspect of the integration strategy is developed with consideration to the issues raised in our response to the 'Transforming the response to domestic abuse' consultation.

Measuring Success: we are pleased to see that the government is focused on how it can measure change in relation to this strategy. We are keen to work with MHCLG, using our own experience of developing a measurement framework. We encourage them to develop a theory of change to help understand their desired outcomes and impacts.

We recommend that

- the MHCLG framework uses these indicators within their framework,
- the framework includes the ability to monitor the equality objectives that we recommend departments set,
- there is ongoing monitoring of outcomes and activities from the outset of the projects.

General Overview

Question 1

We define integrated communities as communities where people - whatever their background - live, work, learn and socialise together, based on shared rights, responsibilities and opportunities. Do you agree with our definition?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

In recent years, public discourse and policy making around social cohesion has focused predominantly on the impact of immigration and integration, particularly following the EU referendum. While the Casey Review¹ was a timely and important assessment of community cohesion in Britain, there was a particular focus on the extent to which Muslim communities integrate. Recent research reports have emphasised the need to understand that social integration is a 'two way street' (If you could do one thing: Local actions to promote social integration, The British Academy, 2017; Muslim Council of Britain, 2018), and that no specific onus or responsibility to integrate should be placed on a single group.

The Green Paper continues in this vein and whilst the wording of this question suggests that the strategy is focused on all groups, which we consider to be appropriate and helpful, the narrative of the green paper focuses on cohesion in respect of religious and ethnic minority groups so the proposals are much narrower than needed. The very narrow conception of integration that has been used fails to recognise that for integration to be fully effective it needs to work across all groups within society, and that focusing activity on particular groups, as this Green Paper does, encourages the creation of barriers and boundaries.

The Social Integration Commission defines social integration as: "*The extent to which people in Britain interact with others who are different to themselves in relation to age, social grade, ethnicity and age.*" This wider premise ensures that all activity in respect of integration is truly inclusive, working across all sections and groups within society.

This is reflected in the Public Sector Equality Duty (PSED) that places a legal duty on all public bodies to foster good relations across all protected groups (s149 Equality Act 2010).

¹ <https://www.gov.uk/government/publications/the-casey-review-a-review-into-opportunity-and-integration>

The recently published Greater London Authority (GLA) paper on social integration in London recognises a wider, more appropriate definition of social integration:

'Our approach [to social integration] needs to go further than integration between different nationalities, ethnic groups or faiths. It must also take account of age, social class, employment status, sexuality, gender and disability' The Mayors Strategy on social integration, published March 2018²

We would strongly recommend the UK Government use this, and the Social Integration Commissions definition, in the development of their strategy.

The House of Lords Citizenship and Civic Engagement Committee has rightly stated that *'The challenge of integration is a responsibility for all of us not any one community'*³ and we must see that reflected in the work that MHCLG and government take forward. This must be an area where central, as well a local, government provide strong leadership.

As part of this, it is critical that the language used in respect of integration is inclusive, and reflects the PSED duty in respect of fostering good relations. This duty not only falls on local authorities and others operating in local public service but on also on government. We are keen to see MHCLG take the lead in establishing a positive and inclusive approach.

Our response to the House of Lords review of citizenship and civil engagement reflected our view that comprehensive teaching of human rights and equality can help instil shared values in young people, tackle prejudiced attitudes about difference, and give children an understanding of the value that human rights can bring in building a society based on fairness and mutual respect. An essential element of human rights and equality education is the understanding and valuing of diversity, which can foster intercultural dialogue and promote social cohesion⁴.

We would encourage MHCLG to consider the recommendations from House of Lords Citizenship Committee in respect of British Values.

- The Government claims to be committed to the promotion of Fundamental British Values but has blunted their impact by identifying them to such an extent with the Prevent strategy.
- The Government should change the description "Fundamental British Values" to "The Shared Values of British Citizenship". These should be recognised as "democracy, the rule of law, individual liberty and respect for the inherent worth and autonomy of every person."

² https://www.london.gov.uk/sites/default/files/final_social_integration_strategy.pdf

³ <https://publications.parliament.uk/pa/ld201719/ldselect/ldcitizen/118/118.pdf>

⁴ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/citizenship-and-civic-engagement-committee/citizenship-and-civic-engagement/written/69845.html>

- These should be taught as important in their own right, not simply as part of a counter-terrorism policy, and a widespread debate should be encouraged on how they relate to other shared values.
- These values should be central to government policy and each department must make it clear how it relates to them.

At the heart of the UK Government's strategy should be language that is positive, respectful and used consistently by all departments, in line with the PSED to foster good relations. We are keen to see MHCLG develop a narrative and set expectations across government that the language and tone used in respect of integration is not combative or derogatory, but focuses on the positives that come from integrated communities.

We recommend that:

- **MHCLG widens its concept of integration, to be truly reflective of all the different groups in society**
- **MHCLG uses this strategy to take the lead in providing leadership in respect of the language and tone across government**

Question 2

We believe that the varied nature and scale of integration challenges means that tailored local plans and interventions are needed to tackle the issues specific to particular places. Do you agree?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

As we have identified in our 'Roadmap to race equality' strategy⁵ we consider that many of the issues that affect people's ability to have equality of opportunity require concerted efforts by local public services. **We consider the Public Sector Equality Duty⁶ could be strengthened by the UK Government using it to set specific equality priorities, including on race, for the public sector. This could include identifying specific objectives for particular public services, including at local level (e.g. for schools and local governments).** Examples of such objectives, in relation to schools, might be improving reading and writing attainment level of pupils from ethnic groups that are performing below average, or achieving a greater participation of parents from all ethnic groups within school governance systems. Identifying such objectives would only require changes to secondary legislation, but

⁵ <https://www.equalityhumanrights.com/en/publication-download/roadmap-race-equality>

⁶ Equality Act 2010, Part 11, Chapter 1.

would enable the UK Government to set a vision for equality in Britain and provide a clear framework for driving change.

Chapter 1: Strengthening Leadership

Question 4

The Green Paper proposes that we need to build the capacity of our leaders to promote and achieve integration outcomes. Do you agree?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

We are pleased to see that MHCLG are putting the need for strong leadership on this issue at the forefront of their strategy. The Commission agrees there is a critical need for strong leadership at all levels to ensure that changes to improve integration in our communities. This leadership should start with government.

The general equality duty requires public bodies to consider how they could positively contribute to the advancement of equality and good relations in all of their business. It requires equality considerations to be reflected in the design of policies and delivery of services, including internal policies, and for these issues to be kept under review⁷.

The Equality Act 2010 says that fostering good relations involves having due regard, in particular, to the need to tackle prejudice, and promote understanding⁸. This means encouraging the development or growth of ideas and attitudes that result in good or improved relations between the individuals in different groups, and encouraging the maintenance or improvement of already good relations between individuals in the different groups.⁹

We would encourage MHCLG to develop this aspect of the strategy with reference to the PSED responsibility on public bodies to foster good relations between groups, as well as tackling prejudice and promoting understanding between people from different groups.

We would also recommend that given the wide ranging nature of integration across all areas of government MHCLG consider establishing an inter-

⁷ *Stuart Bracking and others v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345, McCombe LJ at para 60 – Court of Appeal

⁸ S149(5) Equality Act 2010

⁹ Technical guidance <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

ministerial group for integration that takes leadership in identifying the equality/good relations in different sectors. Including Ministers from MHCLG, Home Office, BEIS, DWP, DfE and DH.

We further recommend that the evidence provided by our 2018 Is Britain Fairer report, due to be published in the autumn, be used to develop options in this area.

We recommend that the ultimate goal of this strategy should be for government to have underlying principles on how to improve integration that are embedded across all central government departments who, in turn, would cascade these to public bodies in their sectors. Whilst the draft strategy provides a good start on some of these issues, by highlighting the critical role of leadership and the need for government departments to review a selection of their policies with integration issues in mind, there is more to do and we would encourage MHCLG to provide leadership on this and ensure that developing a core set of principles is its aim.

Chapter 2: Supporting New Migrants and Resident Communities

Question 5

The Green Paper proposes measures to support recent migrants so that they have the information they need to integrate into society and understand British values and their rights and responsibilities. Do you agree with this approach?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

We welcome the development of a strategy to improve the integration of new migrants, in England, particularly the focus on refugees. However, there are three key areas where we think the strategy needs to be developed and we consider that lessons can be learned from the equivalent strategies in Scotland and Wales.

Firstly, we note that asylum seekers are largely overlooked in the strategy. Our view is that asylum seekers should be given the same attention as refugees and other migrants in any integrated communities strategy.

Both the New Scots refugee integration strategy¹⁰ and the Wales 'a Nation of Sanctuary' strategy¹¹ start from the principle that integration of both refugees and

¹⁰ New Scots Refugee Integration strategy 2018-2022 <http://www.gov.scot/Publications/2018/01/7281>

¹¹ The Welsh Government's 'Nation of Sanctuary – Refugee and Asylum Seeker plan' is currently open for consultation: <https://beta.gov.wales/nation-sanctuary-refugee-and-asylum-seeker-plan> Prior to this, the equivalent strategy in Wales was the Refugee and Asylum Seeker Delivery Plan <https://gov.wales/topics/people-and-communities/communities/communitycohesion/asylum-seekers-and-refugees/?lang=en>

asylum seekers should begin on day one of their arrival. The green paper proposes to 'increase the integration support available to those recognised as refugees after arrival in the UK', learning lessons from the support already available to refugees who enter through a resettlement programme. Most refugees in the UK apply as in-country applicants through the asylum process, and for many asylum seekers there is a prolonged period before leave to remain is granted. During that time, they cannot work and have very limited funds to meet their needs. These groups are at increased risk of developing mental health issues.¹² Multiple organisations have described the mental health impacts of the loneliness of life as an asylum seeker¹³.

We recommend that the Integrated Communities strategy adopts the principle that integration begins the day refugees and asylum seekers arrive in England in line with the other nations of Great Britain.

Access to Public services

Secondly, both the Scotland and Wales strategies identify specific actions to improve access to public services for refugees and asylum seekers, as a core part of their integration and to reduce inequalities. For example, the New Scots strategy identifies specific actions to improve health and wellbeing by ensuring that refugees and asylum seekers understand their rights, that health services are well coordinated and meet their needs, and that policy and strategic planning is informed by the needs and experiences of refugees and asylum seekers.

Refugees and migrants may face challenges integrating into British society due to barriers in accessing housing, employment, education and health services¹⁴. For example, our 'Is England Fairer' 2015¹⁵ report highlighted the following in relation to healthcare:

- The National Inclusion Health Board in England identified vulnerable migrants as a group with poor health, focusing specifically on low-paid or unemployed migrant workers, asylum seekers, refused asylum seekers, refugees, unaccompanied asylum-seeking children, undocumented migrants and trafficked persons (Inclusion Health, 2013).

¹² Mental health Foundation, accessed 10.5.18 <https://www.mentalhealth.org.uk/statistics/mental-health-statistics-refugees-and-asylum-seekers>

¹³ Freedom From Torture: Loneliness as an asylum seekers in London – blog' https://www.freedomfromtorture.org/news-blogs/06_04_2018/loneliness_as_an_asylum_seeker_in_london_blog_by_kayitesi
British Red Cross: 'Living with loneliness as a refugee- blog' <http://blogs.redcross.org.uk/refugeesservices/2017/10/living-loneliness-refugee/>
Refugee Action and the Jo Cox commission on Loneliness: 'Safe but Alone' <https://www.refugee-action.org.uk/campaigns/jo-cox-commission-loneliness/>

¹⁴ EHRC Strategic plan 2016 - 19

¹⁵ 'Is England Fairer? Spotlight report on migrants, refugees and asylum seekers' <https://www.equalityhumanrights.com/en/publication-download/englands-most-disadvantaged-groups-england-fairer-spotlight-reports>

- Migrants may face barriers when seeking to register with GPs (FRA, 2013; Poduval et al., 2015). Registration has frequently been refused because people lack appropriate documents.

Among NGOs, health practitioners, and researchers, there is concern that policies, such as restricting free access to secondary care services, carrying out identification and eligibility checks, and requiring patients to pay for services before receiving treatment, present barriers to healthcare for a range of migrant communities. These policies are creating a climate of fear among migrant populations, including groups who are eligible for free healthcare, and resulting in delays in accessing healthcare, poorer and more costly health outcomes, and a detrimental impact on the wider public health.

Medical bodies¹⁶ and government organisations¹⁷¹⁸¹⁹ have raised concern that these policies are being carried out without proper assessment of their impacts on equality and human rights. In particular, there are concerns that they are deterring broader groups of patients, including British citizens from enjoying their right to healthcare and will lead to disparities in health outcomes for migrant populations in the UK.

At a wider level, analysis from Mipex indicates that the United Kingdom has had the second largest decrease in migrant integration among 38 nations in recent years, and now has more restrictive health policies than a large majority of these countries.²⁰

We welcome the recent suspension of the data sharing agreement between NHS Digital and the Home Office²¹, as well as the review into the impact of the charging regulations²² and the review into the impact of the Memorandum of Understanding on data sharing between NHS Digital and the Home Office²³. These reviews create an opportunity to look at the effect these policies are having on integration, including

¹⁶ British Medical Association. BMA: Government's migrant charging proposals are impractical, uneconomic and could damage the NHS, warns BMA 08/28/2013. 2013.<http://web.bma.org.uk/pressrel.nsf/wall/CF776FFE4732B83080257BD40039E80E?OpenDocument> (accessed 12 Mar2018).

¹⁷ <https://www.gov.uk/government/news/call-for-evidence-home-office-partnership-working-with-other-government-departments-ogds>

¹⁸ <https://www.gov.uk/government/consultations/data-sharing-mou-between-nhs-digital-and-home-office-call-for-evidence>

¹⁹ <https://www.gov.uk/government/news/review-into-nhs-overseas-visitor-charges-call-for-submissions>

²⁰ MIPEX. United Kingdom | MIPEX 2015. 2015.<http://www.mipex.eu/united-kingdom#/tab-health> (accessed 12 Mar2018).

²¹ [https://hansard.parliament.uk/commons/2018-05-09/debates/CE43B0ED-87D3-4F63-B8A4-2A66964790C2/DataProtectionBill\(Lords\)#contribution-F5C226F3-7B8A-4CD3-A8BC-14A7EE4598E1](https://hansard.parliament.uk/commons/2018-05-09/debates/CE43B0ED-87D3-4F63-B8A4-2A66964790C2/DataProtectionBill(Lords)#contribution-F5C226F3-7B8A-4CD3-A8BC-14A7EE4598E1) [accessed 31 May 2018]

²² <https://www.gov.uk/government/news/review-into-nhs-overseas-visitor-charges-call-for-submissions> [accessed 31 May 2018]

²³ <https://www.gov.uk/government/consultations/data-sharing-mou-between-nhs-digital-and-home-office-call-for-evidence>

the unintended consequences on groups such as asylum seekers, refugees and British citizens, who should not be the target of these policies.

We recommend that the Integrated Communities strategy is supported by actions to improve access to core public services for refugees and asylum seekers.

Language support

We welcome that the strategy identifies language as a key element of integration and calls for increased support for language to help with integration for refugees. However, we think this should be extended to look at the language needs of asylum seekers and other recent groups of migrants, including those with irregular status.

In particular, as the strategy highlights, women are likely to experience greater language barriers and to face language barriers for longer following arrival in the host country because of lower levels of education, literacy, or acculturation²⁴. Furthermore, women have reported additional challenges including having to interact with male interpreters in maternity or sexual health services or when disclosing experience of domestic or sexual violence²⁵.

Lack of appropriately translated written health information including information on health promotion or screening services²⁶ exacerbate these issues and prevent women from receiving services they are entitled to and slow down the integration process for those who are ultimately given refugee status.

Furthermore, by limiting the support for language integration to refugees in your strategy, this is increasing the risk for vulnerable migrant women with insecure or changing status. End Violence Against Women report that²⁷ migrant women are disproportionately at risk from gendered violence including domestic violence, sexual violence, 'honour-based' violence, forced marriage, FGM and trafficking. Ethnic minority and migrant women in England experience higher rates of domestic homicide and need specialist support.

The Istanbul Convention, which the UK government has signed and is in the process of ratifying²⁸, requires that victims of violence against women and girls (VAWG) are protected regardless of their immigration status. Given the importance of English language competency for migrant women to seek protection, we recommend that

²⁴ Asif et al. 2015).

²⁵ (Da Lomba et al. 2014; Ward et al. 2008).

²⁶ O'Donnell, C.A. et al., 2007. "They think we're OK and we know we're not". A qualitative study of asylum seekers' access, knowledge and views to health care in the UK. BMC Health Services Research, 7(1), p.75.

²⁷ <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf> [accessed 31 May 2018]

²⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656561/CCS2_07_CCS1017309396-1_HO_Istanbul_Convention_report_WEB_ACCESSIBLE.PDF

language support be extended to all migrant women, including those with insecure status.

We recommend that there is specific language and other targeted support for migrant women, including those with insecure immigration status.

Hostile Environment and its cumulative impact

Thirdly, we notice that there is no mention of the impact of the government's hostile environment (or, more recently, the "compliant" environment) immigration policy and the effect this has on community cohesion, integration and access to public services for a range of migrants and ethnic minority groups.

The 'Hostile Environment' is a set of measures, both administrative and legislative, to create an environment that is hostile for migrants who are in this country without status in the hope that they will voluntarily leave. It includes putting in place identity checks and proof of status that limit access to employment, housing, healthcare, checks on driving licenses and bank accounts and sharing data by healthcare providers and education providers for immigration purposes with the Home Office.

Since the change in Home Secretary to Sajid Javid, this has been renamed the "compliant environment" and some of the policies are currently under review by the government, and initiative that we welcome.²⁹

Hostile, or compliant, environment policies make it extremely difficult for the vision of integration outlined in the paper to be realised and there are concerns that these policies are having unintended consequences on groups of migrants this strategy seeks to integrate.

We note that the Home Office regards the hostile environment policies as a 'package' in that their power to influence the decisions made by "illegal migrants" comes from their combined and cumulative impact³⁰.

However, this also means that the cumulative impact of these policies on vulnerable groups and those with protected characteristics, who are not the target of these policies should also be thoroughly assessed.

- 1) Research by the Joint Council for the Welfare of Immigrants (JCWI)³¹ into the impact of the "right to rent" scheme in England revealed concerning findings that the policy was having a detrimental effect on migrants and ethnic minority groups that were not the intended focus of the policy.

²⁹ <https://hansard.parliament.uk/Commons/2018-04-30/debates/E7547DA9-5D22-4EC0-BAB4-8FC71BD2E1F9/Windrush>

³⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/567652/ICIBI-hostile-environment-driving-licences-and-bank-accounts-January-to-July-2016.pdf

³¹ <http://www.jcwi.org.uk/news-and-policy/passport-please>

- 51% of landlords surveyed said that the scheme would make them less likely to consider letting to foreign nationals.
 - 42% of landlords stated that they were less likely to rent to someone without a British passport as a result of the scheme. This rose to 48% when explicitly asked to consider the impact of the criminal sanction
 - 27% of landlords surveyed said that they were less likely to rent to someone with a foreign sounding name or accent
 - This is particularly concerning as newly recognised refugees are at high risk of homelessness. When an asylum seeker is successful in their claim, they have a 28 day ‘move on’ period before all asylum support such as accommodation and financial support is withdrawn.
- 2) The requirement on banks to undertake immigration checks on people who hold bank accounts and to not allow undocumented migrants from opening bank accounts, is a further barrier to integration of migrant communities. While this policy should only be applied to those with irregular migrant status, evidence from the ICIBI found that almost 10% of applicants for current accounts had been wrongly refused due to the misapplication of this policy.³² **We welcome the recent announcement that this policy is on hold for review and we would encourage that review to consider the impact on equality and good relations with migrants and ethnic minority groups who are being wrongly targeted by these policies.**
- 3) We note concerns raised by a range of NGOs, including Liberty, on the impact of sharing information about children’s nationality and status for immigration purposes. There were reports that children were asked to provide their passports and teachers were more likely to ask ethnic minority students for information about their nationality. Concern was also raised that requests for tracing children for immigration purposes were frequently incorrect³³. While it appears further guidance has been issued and these policies are under review, this further affects the integration and cohesion of migrant groups. Our *Is England Fairer?* spotlight report on migrants, refugees and asylum seekers, highlighted³⁴ that there were widespread misconceptions about immigrants in England held by school children that led to stigma and stigmatising treatment which was exacerbated by the negative public debate around immigration, government policies and role of the media.

³²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/567652/ICIBI-hostile-environment-driving-licences-and-bank-accounts-January-to-July-2016.pdf

³³

<https://www.libertyhumanrights.org.uk/sites/default/files/Libertys%20written%20evidence%20to%20the%20ICIBI%20inspection%20of%20partnership%20working%20between%20the%20Home%20Office%20and%20other%20government%20departments.pdf>

³⁴ <https://www.equalityhumanrights.com/sites/default/files/is-england-fairer-2016-most-disadvantaged-groups-migrants-refugees-asylum-seekers.pdf>

These examples show that the hostile environment policies are having unintended consequences in England that are affecting access to services for asylum seekers, refugees, and ethnic minority groups who may be British Citizens, as well as obstructing the integration and cohesion objectives outlined in your strategy. Following our review of how HMT assessed the impact of welfare reforms we have developed a methodology for assessing cumulative impact that we recommend is used³⁵ to understand the full impact across the policies.

We recommend a full review into the impact of the UK Government’s hostile environment policies on equality and good relations between new migrants and resident communities. This should include impact assessment of individual policies, as well as the cumulative impact of this package of policies on new migrants, including indirect impacts on refugees and asylum seekers. Action should be taken to mitigate any negative impacts shown by this review.

Chapter 3: Education and Young People

Question 7

The Green Paper proposes measures to ensure that all children and young people are prepared for life in modern Britain and have the opportunity for meaningful social mixing with those from different backgrounds. Do you agree with this approach?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

School admissions

The Commission supports the Government’s expectation for all state-funded schools to be inclusive and welcoming of pupils of different backgrounds. The UK is party to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Article 24 of the Convention provides that state parties States Parties shall ensure an inclusive education for disabled children. The Committee has expressed concerns that the UK education system is not yet equipped to deliver high-quality inclusive education. In its most recent concluding observations on the UK, the Committee called on the UK Government to develop a comprehensive and coordinated legislative and policy framework for inclusive education and a timeframe to ensure that mainstream schools foster real inclusion of children with disabilities in the school environment. It also said the UK Government should strengthen measures to monitor school practices concerning enrolment of children with disabilities and offer

³⁵ <https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms>

appropriate remedies in cases of disability-related discrimination and / or harassment, including deciding upon schemes for compensation.³⁶

Last year, the Commission published 'Being disabled in Britain: A journey less equal'.³⁷ We said it was a badge of shame on our society that millions of disabled people in Britain are still not being treated as equal citizens and continue to be denied the everyday rights non-disabled people take for granted such, as being able to benefit from education. We are therefore concerned that Government's proposals make no mention of pupils with special educational needs and disabilities (SEND).

Progress towards an inclusive education is stalling, leaving disabled pupils at risk of being segregated and isolated from their peers. There are growing concerns about the increasing numbers of SEND pupils waiting for a school place. At the same time, there are concerns that tighter resources (both financial and appropriately skilled staff) and the increasingly academic focus of secondary school performance measures is pushing many SEND pupils out of mainstream classrooms³⁸.

Analysis by the National Association of Special Educational Needs (NASEN) shows that the proportion of pupils with statements or Education and Health Care Plans (EHCPs) in special schools rose from 36 per cent in 2007 to 44 per cent for maintained special schools in 2017.³⁹ There was a similar rise from 38 per cent to 45 per cent in independent special schools. This is despite the proportion of pupils nationally who have a statement or EHCP having remained stable at 2.8 per cent for most of the past decade⁴⁰.

We recommend that addressing the needs of SEND pupils is built into the UK Government's proposals

School exclusions

Pupils with identified special educational needs (SEN) accounted for almost half of all permanent exclusions and fixed period exclusions. Pupils with SEN support had the highest permanent exclusion rate and were almost 7 times more likely to receive a permanent exclusion than pupils with no SEN.⁴¹

³⁶ Committee on the Rights of Persons with Disabilities. 3 October 2017. Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRPD%2fC%2fGBR%2fCO%2f1&Lang=en

³⁷ Equality & Human Rights Commission 2017, *Being Disabled in Britain: A journey less equal*

³⁸ Schools Week July 2017, *Pupils with special needs waiting for school place more than doubles*

³⁹ An EHCP is for children and young people aged up to 25 who need more support than is available through special educational needs support. EHCPs plans identify educational, health and social needs and set out the additional support to meet those needs. EHCPs are gradually replacing statements; the previous system for providing children and young people with additional support.

⁴⁰ Schools Week November 2017, *SEND pupils 'pushed out' of mainstream schools, new data shows*

⁴¹ Department for Education 2017, *Permanent and Fixed Period Exclusions in England: 2015 to 2016*

OFSTED and CQC have noted that school leaders are using illegal exclusions too readily to cope with children and young people who have SEND, with an alarming number of parents being asked to take their children home.⁴² Department for Education guidance is clear that only the head teacher can exclude a pupil and that permanent exclusion should only be used as a last resort. It is unlawful to exclude for a non-disciplinary reason. 'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off' are unlawful, even with the agreement of a parent or carer. All exclusions, even for short periods of time, must be formally recorded.⁴³

The Government has an obligation to provide an education system that is geared towards supporting disabled children and young people to achieve their full potential and to participate equally in society.

The Commission recommends that the UK Government remove its reservations to Article 24 of the UN Convention on the Rights of Disabled People and do more to secure the progressive realisation of an inclusive education.⁴⁴

The Commission supports the Department for Education's review of the factors driving the disproportionate exclusion of some groups of pupils, such as those with SEND or from GRT backgrounds. In 2015/16, pupils with SEN accounted for almost half of all permanent exclusions and fixed period exclusions. Pupils with an Education, Health and Care (EHC) plan or with a statement of SEN had the highest fixed period exclusion rate and were almost 6 times more likely to receive a fixed period exclusion than pupils with no SEN. Black Caribbean pupils were over three times more likely to be permanently excluded than the school population as a whole.⁴⁵

Gypsy, Roma and Traveller pupils had the highest rates of both permanent and fixed period exclusions. Evidence indicates that violent and disruptive behaviour in schools is often triggered by racist bullying. In 2016, the UN Committee on the Elimination of Racial Discrimination called upon the UK Government to require schools to collect qualitative and quantitative data on bullying exclusions from school on the grounds of race, colour, descent, or national or ethnic origin, and to use the data to develop concrete strategies to tackle racist bullying and harassment.⁴⁶

School exclusion too often leads to social exclusion and a cycle of personal, social and economic costs. We see the over representation of children from certain groups as a strategic priority and is a key focus for our work this year. We therefore hope to work constructively with the Department for Education on their review of school

⁴² OFSTED and Care Quality Commission 2017, *Local area SEND inspections: one-year on*

⁴³ Department for Education 2017, *Exclusion from maintained schools, academies and pupil referral units in England*

⁴⁴ UK Independent Mechanism 2017, *Disability Rights in the UK*

⁴⁵ Department for Education 2017, *Permanent and Fixed-Period Exclusions in England: 2015-16*

⁴⁶ Committee on the Elimination of Racial Discrimination 2016, *Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland*

exclusions to tackle the problem of disproportionality and enable greater integration in mainstream schools.

Home Education

The Commission is concerned that while home education may be a positive choice for some pupils and their parents, for some groups it can undermine integration and lead to greater segregation. Recent research found that the fear of discrimination, or the experience of bullying or racist incidents, can prompt Gypsy, Roma and Traveller (GRT) parents to take their children out of mainstream schools and home educate them. The research also raised concerns that, in the face of accountability pressures related to the increasingly academic focus of secondary school performance measures, some schools may be encouraging GRT families to home educate their children.⁴⁷

School ethos, curriculum and fundamental British values

The Commission welcomes the UK Government's expectation that children are educated in a safe environment and in ways that do not undermine our shared values.

Department for Education guidance narrowly defines 'British values' as 'democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs'. This definition implies that the full range of universal human rights are not British values, or that those outside of Britain do not share these values, to potentially harmful effect on social and community cohesion.⁴⁸

The Commission considers that Personal, Social, Health and Economic (PSHE) education should be made mandatory in its entirety in England: lack of statutory status means many teachers receive no training, and the quality and extent of provision varies greatly. PSHE should be properly timetabled, with clear learning outcomes that can be monitored by Ofsted. It should be set firmly within the framework of the shared values of universal rights and respect, since these apply to all people, everywhere.

In secondary schools, there is no teaching of equality other than 'diverse national, regional, religious and ethnic identities' as part of citizenship. The PSHE curriculum should cover the full range of protected characteristics, and take into account pupils' needs including on the basis of their protected characteristics. Teaching about diversity and the right to non-discrimination can also help address the persistence of traditional attitudes, stereotypes and stigma which affect educational attainment and the career paths of girls.

⁴⁷ Mulcahy, E. Baars, S. Bowen-Viner, K. and Menzies, L 2017, *The underrepresentation of Gypsy, Roma and Traveller pupils in higher education*

⁴⁸ EHRC 2017, *Response to the Department for Education consultation on Changes to teaching of sex and relationships education, and PSHE*

The curriculum should focus on reducing inequalities and ensuring respect for human rights. We must teach young people that our values of respect, fairness and challenging intolerance are central to our national identity.

The UK Government is currently failing to comply with its obligations under the UN Convention on the Rights of the Child to teach about the full range of children's rights. Teaching human rights, and encouraging respect for human rights at school, creates a safe place for students to explore, discuss, challenge and form their own opinions and values. These discussions enable and encourage young people to take a full part in our democratic society and promote meaningful civic engagement.

We recommend that the MHCLG work with DfE to make PHSE mandatory in England, and provide statutory guidance to support quality teaching and ensure it covers the full range of equality and human rights issues, which help develop integrated pupils and, therefore, communities.

Chapter 5: Places and Community

Question 10

The Green Paper proposes measures to ensure that people, particularly those living in residentially segregated communities, have opportunities to come together with people from different backgrounds and play a part in civic life. Do you agree with this approach?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

The development of proposals that seek to promote integration between communities through policies on housing and the wider built environment, must take account of the housing needs of disabled people. This includes physical disabilities, learning disabilities, sensory impairments and mental health conditions.

The Commission's formal inquiry into housing for disabled people, published in May 2018⁴⁹, found that the current shortage of accessible housing and appropriate support is limiting the ability of disabled people to participate in their communities. The inquiry also found that disabled people reported improved health and wellbeing, and enhanced prospects for employment and study when their homes met their accessibility requirements and when support packages enabled them to live independently.

⁴⁹ <https://www.equalityhumanrights.com/en/publication-download/housing-and-disabled-people-britains-hidden-crisis>

The Commission is advocating for national and local governments to increase the availability of accessible housing across all tenures. Our key recommendation is that 'accessible housing' should be considered a central element of the planning framework in a parallel way to 'affordable housing'. To achieve this in England will necessitate changes to Building Regulations to raise the mandatory standards for accessibility.

Determining the needs of disabled people in housing and the wider built environment will require improved data collection. The Commission is therefore advocating for governments at a national and local level to be more effective in engaging disabled people at both strategic and operational levels, to ensure a continual cycle of improvement.

We recommend that as part of the development of the strategy MHCLG engage with disabled people and support our call for accessible housing to be a central element of the planning framework, to ensure that disabled people can become integrated into their communities.

The Ethnicity Facts and Figures website shows that ethnic minority households are far more likely to live in overcrowded, inadequate or fuel poor housing than white households. Homelessness has also grown rapidly among ethnic minorities, currently at 36% which is double the percentage of ethnic minorities in the overall population.

Ethnic minorities have much lower rates of home ownership and are more reliant on social housing, the supply of which keeps on falling. All of this is compounded by welfare reforms which, as the Commission's Cumulative Impact Assessment⁵⁰ has shown, are impacting more negatively on ethnic minority households. We consider headline action in the area of housing would be important, especially given the backdrop of Grenfell. We consider that there is an opportunity for the Government to make progress when implementing the Housing White Paper by setting race equality objectives in relation to both social and private housing and considering the need to provide culturally appropriate accommodation for Gypsies and Travellers.

The analysis completed as part of our Cumulative Impact Assessment (CIA) of the changes to taxes and transfer payments (benefits, tax credits and the introduction of UC) announced since 2010 has shown that however the changes are measured, they are, overall, regressive⁵¹. Consequently, the largest impacts are felt by those with lower incomes. This is true even when increases in gross earnings from the NLW are taken into consideration.

Moreover, the reforms will have a disproportionately negative impact on several protected groups, including disabled people, certain ethnic minorities, and women,

⁵⁰ <https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms>

⁵¹ <https://www.equalityhumanrights.com/sites/default/files/cumulative-impact-assessment-report.pdf>

and particularly negative impacts on intersectional groups who experience multiple disadvantages (for example, lone parents with disabled children).

We have recommended that all fiscal events (Budgets and Spending Reviews) should be accompanied by an equality impact assessment, which should incorporate a CIA of the impact on protected groups, showing how distributional impacts vary across groups.

We would recommend that MHCLG consider that report in detail and how to ensure that policy proposals across government, in respect of integration, are impacted.

Chapter 6: Increasing Economic Opportunity

Question 11

The Green Paper proposes measures to provide tailored support to people, especially those who may not currently be active in the labour market, to build their confidence and skills to take up employment. Do you agree with this approach?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

As the Commission identifies in our Roadmap to racial equality strategy⁵², which was a response to the UK Government's Race Disparity Audit, we support the implementation of local strategies to tackle high unemployment rates for ethnic minority groups. This should be driven by Job Centre Plus, in collaboration with local partners, and require Local Enterprise Partnerships to adopt inclusive growth strategies with specific actions to tackle ethnicity employment and pay gaps. These could be set out in DWP's equality objectives and cascaded down to local JCP and LEPs who may need to refine them to reflect the particular issues in the communities they serve. This should include investment in training in sectors and industries where ethnic minorities are over-represented in low-paid and low-skilled jobs.

We recommend that local strategies include specific objectives around unemployment for ethnic minority groups

We would encourage those local strategies to take account of the findings and recommendations in our pay gap strategy⁵³, which recognises issues such as ethnic

⁵² <https://www.equalityhumanrights.com/en/publication-download/roadmap-race-equality>

⁵³ Fair Opportunities for all: A strategy to reduce pay gaps in Britain
<https://www.equalityhumanrights.com/sites/default/files/pay-gaps-strategy-fair-opportunities-for-all.pdf>

minorities being more likely to work part time and therefore all jobs, regardless of level, be offered as flexible from day one.

We also recommend requiring public authorities to set public sector equality duty objectives to address their ethnicity and employment gaps so that its workforce better represents the public it serves, including at senior levels. This should involve reviewing recruitment progression and retention processes and ensuring that complaints of racism are dealt with fairly and effectively.

Chapter 7: Rights and Freedoms

Question 12

The Green Paper proposes measures to encourage integration and resist divisive views or actions. Do you agree with this approach?

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

The number of reported hate crimes is increasing, and we have seen particular spikes in incidents following the EU referendum and the London and Manchester terror attacks.⁵⁴ The increase may reflect welcome efforts to encourage reporting and improve police recording. However, the number of recorded incidents still significantly understates the actual number of incidents taking place, and barriers continue to exist for victims of hate crime at every stage of the criminal justice system, from reporting through to sentencing.⁵⁵

The Commission has called for a full-scale review of hate crime legislation in England and Wales, building on the findings of the Law Commission report in 2014, to which the Government has not responded.⁵⁶ In Scotland, the Bracadale Review has considered the effectiveness of hate crime law and whether protections should be extended to other groups.⁵⁷ The review highlighted particular groups who may be victims of racial hate crime, including refugees, asylum seekers and migrant workers, and members of Gypsy, Roma and Traveller communities. It recommended the extension of the law to protect those who are victims of hate crime on the basis of

⁵⁴ Between 2015/16 and 2016/17 the number of hate crimes recorded by the police increased by 29 per cent, from 62,518 to 80,393. See *Hate crime, England and Wales, 2016 to 2017* available at: <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>

⁵⁵ The Crime Survey for England and Wales estimates that 204,000 hate crimes were committed in 2015-16, compared to just over 62,500 recorded by the police. Only 4,342 (4%) resulted in a successful prosecution with an uplift in sentencing to reflect the hate element of the offence. See Walters et al, *Hate crime and the legal process: options for law reform*, available at: <http://sro.sussex.ac.uk/70598/1/FINAL%20REPORT%20-%20HATE%20CRIME%20AND%20THE%20LEGAL%20PROCESS.pdf>

⁵⁶ See <https://www.lawcom.gov.uk/project/hate-crime/>

⁵⁷ <http://www.gov.scot/Publications/2018/05/2988>

their gender, recognising in particular the scale of abuse and harassment directed at women.

The Commission's response to the Home Affairs Select Committee inquiry on Hate Crime and its violent consequences in 2016⁵⁸ included further recommendations to prevent and tackle hate crime, including that the UK Government should:

- Improve the way in which data is collected and shared so that robust analysis can be undertaken to understand the effectiveness of responses – including full disaggregation on the basis of religion and other protected characteristics
- Evaluate reporting and recording processes, in consultation with people from local communities
- Ensure police refer all victims of hate crimes and incidents to relevant support services, and that these services are adequately funded.

The issue of hate speech, particularly in online activity also requires attention. The boundary between the expression of intolerant or offensive views and hate speech is not always an easy one to draw, it can be complex and requires consideration of the context. Restrictions on freedom of expression must always be clearly set out in law, necessary in a democratic society for a legitimate aim, and proportionate. In particular, freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation⁵⁹.

In our response to the Home Affairs Select Committee inquiry on Hate Crime and its violent consequences⁶⁰ in 2016 the Commission also noted the concerns raised by UN CERD in relation to online hate speech and its concluding observation that the UK Government should 'adopt comprehensive measures to combat racist hate speech and xenophobic political discourse, including on the Internet, particularly with regard to the application of appropriate sanctions'⁶¹.

We are heartened by the Government's announcement that there will be a white paper setting out proposed legislation on online safety later this year, and that this will reflect forthcoming recommendations from the Law Commission review of the laws governing offensive online communications.⁶² The review is considering the provisions of section 127 of the Communications Act 2003 and section 1 of the Malicious Communications Act 1988, which we have called on the Government to review to ensure they are fit for purpose, particularly since the laws in great part pre-

⁵⁸ <https://www.equalityhumanrights.com/en/legal-responses/response-home-affairs-select-committee-inquiry-hate-crime-and-its-violent>

⁵⁹ <https://www.equalityhumanrights.com/en/publication-download/freedom-expression-legal-framework>

⁶⁰ <https://www.equalityhumanrights.com/en/legal-responses/response-home-affairs-select-committee-inquiry-hate-crime-and-its-violent>

⁶¹ <https://www.sentencingcouncil.org.uk/explanatory-material/item/hate-crime/3-approach-to-sentencing/>

⁶² <https://www.lawcom.gov.uk/online-communications/>

date the advent of social media as a mainstream medium for general communication.

We encourage the Law Commission to ensure that the review considers the breadth of issues in this space and effectively balances sanctions for abuse and hate speech with the right to freedom of expression.

We have recommended further research to understand what causal connection may exist between exposure to hate material, violent material or propaganda, and the perpetration of hate crimes.⁶³ Our research suggests there are a number of causes of hate crime, including a perpetrator's perception of 'threat', for example to their own cultural values.⁶⁴ Measures by Government to prevent and tackle hate crime should be underpinned by evidence of which types of interventions are effective.

The Equality Act has brought about significant benefits to people, as seen in the visible increase in the number of discrimination cases which have come before the courts, in the organisational reforms undertaken by many public sector bodies to comply with the duty as well as in changes in public attitudes.

One of the factors limiting progress in our view is the cautious way in which the PSED has been implemented. In particular, the specific equality duties, laid down in secondary legislation, leave considerable room for discretion to public authorities when it comes to the information that they publish to demonstrate compliance with the general duty and the equality objective(s) which they decide to prepare.

There is also the need to have regard to how the Prevent duty interacts with PSED responsibilities, specifically advancing equality, tackling prejudice and fostering good relations. We have provided specific guidance on this in respect of higher education⁶⁵ and would encourage MHCLG to give this consideration across their integration strategy, setting the expectation that the impact of Prevent policies or practices will be assessed against the requirements of the PSED.

We consider implementation of the public sector equality duty could be strengthened by the UK Government using it to set specific race equality objectives for particular public services, including at local level and the Commission stands ready to support the Government in developing appropriate equality objectives in particular sectors.

Question 13

The Green Paper proposes measures to address practices which can impact on the rights of women. Do you agree with this approach?

⁶³ <https://www.equalityhumanrights.com/en/legal-responses/response-home-affairs-select-committee-inquiry-hate-crime-and-its-violent>

⁶⁴ <https://www.equalityhumanrights.com/en/publication-download/research-report-102-causes-and-motivations-hate-crime>

⁶⁵ <https://www.equalityhumanrights.com/en/publication-download/delivering-prevent-duty-proportionate-and-fair-way>

Please select an item from the drop down menu

Yes

Please enter any additional comments below:

We agree that there are circumstances where women's rights require specific protection. In our response⁶⁶ to the Home Office's 2016 review into the application of sharia law, we set out concerns that some people, in particular women seeking divorce, experiencing domestic violence or facing custody cases may not fully understand their legal rights and responsibilities. We also have concerns about individuals being subjected to pressure or coercion (either formal or informal, overt or more subtle) to seek and accept the ruling of sharia councils or other religious councils or tribunals when pursuing a legal remedy might give them a better outcome.

Important legal rights and responsibilities are attached to the legal status of marriage. Because of the ongoing economic inequality of women (which impacts particularly on women of Pakistani and Bangladeshi origin, who are predominantly Muslim), the continuing unacceptable occurrence of domestic violence, and the paramount importance of the welfare of children, in our view it is essential that people understand fully the legal implications of not formalising a religious marriage.

We welcome the move that the Government and relevant public authorities intend to take positive steps to raise awareness and ensure that this information is provided to those marrying in religious ceremonies that do not result in a legal marriage.

As we have highlighted in our response to the governments consultation on domestic violence we urge the UK Government to highlight the disproportionate impact of domestic violence on women and girls within the text of the new legislation and in the statutory guidance. We recommend that the statutory definition defines the different types of domestic abuse, as well as coercive control over a person's immigration status and the risks of financial inequality (specifically in relation to Universal Credit allocation) resulting in economic abuse. These issues should also be reflected in the support provided to women as part of the integration strategy. Again this highlights the need for MHCLG to ensure that integrations issues are dealt with consistently and cohesively across government.

In order for the UK Government to be compliant with the Istanbul Convention, it needs to develop and implement new provisions to protect and support all individuals who experience domestic abuse, regardless of their immigration status.

⁶⁶ <https://www.equalityhumanrights.com/en/legal-responses/consultation-responses/response-application-sharia-law-england-and-wales>

We recommend that the development of this aspect of the integration strategy is done with consideration to the issues raised in our response to the Transforming the response to domestic abuse consultation⁶⁷.

Chapter 8: Measuring Success

Question 14

The Green Paper proposes core integration measures for national and local government to focus on. Do you agree these are the right measures?

Please select an item from the drop down menu

No

Please enter any additional comments below:

Indicator framework for community integration

We support MHCLG's aim to monitor progress towards strengthening community integration in a measureable way, to agree a framework and to gather and disseminate this evidence.

We launched our new measurement framework for Equality and Human Rights in 2017⁶⁸. It applies strong theoretical foundations to monitor equality and human rights in Britain in a practical way, using precise indicators and topics to monitor whether we are making progress in achieving the future we want, grouped by six domains or 'areas of life' – education, work, health, living standards, participation, and justice and security. When developing it we followed clear criteria for selecting indicators and evidence sources. **We would encourage MHCLG to adopt a similar approach in the development of their indicator framework.**

The framework provides detailed guidance on what sort of evidence to look at to assess where there has been progress, regression or stalling in relation to each of these indicators and topics. It also uses intersectionality as a tool to show the experiences of people when multiple categories of social identity interact with each other, and champions a new approach to vulnerability, identifying those who are at a higher risk of harm, discrimination, disadvantage or abuse.

The framework is compatible with major policy and statistics frameworks across the UK and internationally, and can be used to drive change through informing the collection and analysis of robust evidence in a systematic and structured way, the

⁶⁷ <https://www.equalityhumanrights.com/sites/default/files/consultation-response-transforming-response-to-domestic-abuse-may-2018.pdf>

⁶⁸ <https://www.equalityhumanrights.com/en/publication-download/measurement-framework-equality-and-human-rights>

identification of evidence gaps, and by improving accessibility to equality and human rights data and evidence.

We would be open to sharing our learning on the development of our measurement framework and how we use it to carry out our monitoring work – such as our upcoming statutory report for Parliament ‘Is Britain Fairer? 2018’.

An example of indicators in our measurement framework that are relevant to integration are ‘Social and Community Cohesion’, which includes a statistical outcome measure of the proportion of people who feel they belong in their local area, and ‘Hate crimes, homicides, sexual and domestic abuse’ which includes the core statistical measure of the proportion of people who experienced one or more hate crimes in the past year. Other indicators across the domains of education and work that look at educational attainment, exclusions and bullying, unemployment and treatment in the workplace, are also relevant.

We recommend that

- **the MHCLG framework uses these indicators within their framework**
- **the framework includes the ability to monitor the equality objectives that we recommend departments set.**

Many of the indicators set out in the green paper do not have an existing statistical measure, rely on the generation of a new data source or adaptations of existing data sources. **We encourage MHCLG to apply the criteria we used to ensure that the qualitative and quantitative data included in future analysis is robust and fit for purpose, including that data should come from official statistics where possible and analysis of change over time should be possible to allow for monitoring.** Indicators should also be relevant to the issue at hand, measureable and specific. It is also important to be able to disaggregate the data according to as many as possible of the nine protected characteristics set out under the Equality Act⁶⁹. Any metrics around social cohesion that MHCLG consider worth monitoring should be included in the indicator framework, not tracked separately.

The Commission continues to monitor data gaps and opportunities for filling those, including through the development of existing data sources, and would be open to sharing our own work in that area with MHCLG.

Open and available data

We support the MHCLG’s aim to make their data available in an open and transparent manner, in a similar way to the Race Disparity Audit.

⁶⁹ <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Our report ‘Healing a divided Britain: the need for a comprehensive race equality strategy’⁷⁰ was referenced in the UK Government’s announcement of the RDA, and we used our new measurement framework to help to inform the Cabinet Office’s approach to the audit.

The Commission would be happy to provide advice to MHCLG on how to make data collected through the indicator framework publically available and accessible.

Evaluation of integration areas

The Commission has recently carried out work to assess “what works”⁷¹ to tackle prejudice and discrimination in Britain and we support the MHCLG’s aim to improve understanding of “what works” to support integration. We would encourage them to invest in long-term evaluation of change and engage our eight principles of evaluation⁷²:

1. Our decision to make an intervention is based on a robust assessment and specification of the need to make an intervention.
2. We are clear about the difference we wish to make through our intervention.
3. We have reason to believe that the intervention we propose to deliver will produce that difference.
4. We are clear about the nature of the data required to demonstrate that we have made a difference.
5. We are clear about the methods we will employ to collect that data.
6. We know how we will analyse the data we collect to produce conclusions.
7. We know how we will use our conclusions.
8. We have assessed and committed the resources required to deliver the evaluation.

We would also encourage MHCLG to use the opportunity of evaluation to identify whether different approaches to support integration are needed across the different protected characteristics.

We would encourage MHCLG to develop a “theory of change” for the strategy to help understand the desired outcomes and impacts and the required activities to achieve those. As flagged in our previous recommendations we would recommend that equality objectives should be woven in to the aims of that theory.

We would encourage ongoing monitoring of outcomes and activities from the outset of the projects. This is important as part of a process of ongoing learning to shape the activities of the project and maximise the possibility of desired outcomes and impacts being achieved.

⁷⁰ <https://www.equalityhumanrights.com/en/race-report-healing-divided-britain>

⁷¹ <https://www.equalityhumanrights.com/en/prejudice-and-unlawful-behaviour>

⁷² https://www.equalityhumanrights.com/sites/default/files/prejudice-unlawful-behaviour-guide-to-evaluation_1.pdf

Personal data

The data protection legislation is changing and a new Data Protection Act will come into force in May 2018. It will give you greater powers to protect your own privacy, and place greater responsibility on those processing your data for any purpose. The following is to explain your rights and give you the information you will be entitled to under the new Act.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gsi.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Part 2 of the draft Data Protection Bill (subject to change before it becomes an Act) states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. With whom we will be sharing your personal data

Responses submitted using this template will be stored securely on the Ministry of Housing, Communities and Local Government's secure IT system.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Please refer to the records retention policy on our website.

<https://www.gov.uk/government/publications/departmental-records-retention-and-disposals-policy>

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. Your personal data will not be used for any automated decision making.