

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 13 February 2001  
*(Morning)*

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## EQUAL OPPORTUNITIES COMMITTEE

### 3<sup>rd</sup> Meeting 2001, Session 1

#### CONVENER

\*Kate MacLean (Dundee West) (Lab)

#### DEPUTY CONVENER

\*Kay Ullrich (West of Scotland) (SNP)

#### COMMITTEE MEMBERS

\*Linda Fabiani (Central Scotland) (SNP)

\*Mr Jamie McGrigor (Highlands and Islands) (Con)

\*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

Cathy Peattie (Falkirk East) (Lab)

Tommy Sheridan (Glasgow) (SSP)

\*Elaine Smith (Coatbridge and Chryston) (Lab)

Mrs Margaret Smith (Edinburgh West) (LD)

\*attended

#### WITNESSES

Sheila Arthur (Positive Action in Housing)

Adrian Lui (Positive Action in Housing)

Robina Qureshi (Positive Action in Housing)

Ricardo Rea (Positive Action in Housing)

#### CLERK TO THE COMMITTEE

Lee Bridges

#### SENIOR ASSISTANT CLERK

Richard Walsh

#### ASSISTANT CLERK

Roy McMahon

#### LOCATION

Committee Room 2



## Scottish Parliament

### Equal Opportunities Committee

Tuesday 13 February 2001

(Morning)

[THE CONVENER opened the meeting at 10:02]

**The Convener (Kate MacLean):** Let us start the committee meeting. We will move straight into private session for agenda item 2. Is it agreed that we take items 5, 6 and 7 in private as well?

**Members indicated agreement.**

10:02

*Meeting continued in private.*

10:16

*Meeting continued in public.*

### Housing (Scotland) Bill: Stage 1

**The Convener:** I welcome Robina Qureshi, Ricardo Rea, Shelia Arthur and Adrian Lui from Positive Action in Housing. They will give evidence on the Housing (Scotland) Bill. Their paper has already been circulated. I invite Robina Qureshi to introduce the paper before we move to questions.

**Robina Qureshi (Positive Action in Housing):** I thank the committee for inviting Positive Action in Housing to give evidence today. We have looked at the comments made by the Minister for Social Justice, Jackie Baillie, and by the Commission for Racial Equality, when they gave evidence to the committee last week and we would like to respond to what they said. In particular, we would like to give the committee a grass-roots feel of our organisation's work. We hope that some of the issues that we raise at stage 1 will be taken forward by the committee and that there will be closer consultation in future.

Positive Action in Housing, as committee members will be aware, is a national, black-led organisation, which has for several years worked directly with housing providers and people from black and minority ethnic communities to secure safe, affordable and decent housing where people are free from the fear of racial attacks and harassment. Positive Action in Housing has a unique insight into the housing needs of Scotland's black and ethnic minority communities, which is why we are here.

We will produce a formal response to the bill once we have consulted black and ethnic minority groups across Scotland. It has not been possible for us to do that yet because our organisation is underfunded and we have fund-raising issues to deal with. We are also short staffed: we were not going to be here, but we are. We will each make a brief contribution of two to three minutes. We will not cover everything, but we hope that during the discussion we can flesh out some of the issues that we want to address.

Without further ado, Adrian Lui will give the committee a picture of the casework that is coming through our doors at Positive Action in Housing.

**Adrian Lui (Positive Action in Housing):** The majority of our clients are heavily reliant on rented housing: 29 per cent are tenants of either Glasgow City Council or City of Edinburgh Council, which is mainly where we operate. Housing association tenants make up 17 per cent of our clients, while 20 per cent live in private rented accommodation.

That is, 66 per cent of our clients rely on rented housing. Whatever their tenure status, clients come to us with the same problems.

Homelessness is cited by 28 per cent of clients as their major problem and they come to find out what help we can give. Homelessness is not just about being roofless. According to the Housing (Scotland) Act 1987, homelessness is more to do with a house being unsuitable for occupation, below tolerable standard, or overcrowded. It is also to do with whether people are facing racial harassment. Tenants of private landlords are particularly vulnerable if they are not aware of their eviction and possession rights, although that is a separate area that poses problems.

Racial harassment is cited by 18 per cent of our clients as the problem when they come to us about housing. Although racial harassment takes place across the board and affects all forms of housing, it is particularly evident on white, peripheral estates where black and minority ethnic populations are more isolated, easily visible, more vulnerable and can be targeted for attacks. In fact, 48 per cent of those who cited racial harassment have had to leave their homes and either flee to a temporary base or become roofless because of escalating racial harassment.

Overcrowded conditions are cited by 16 per cent of our clients as a major problem. There is a distinct lack of properties that cater for larger families. Five, six or seven-room apartments are required in multiracial areas where people can be safe. I hope that that issue can be taken up. As a result of that shortage, large families are forced to live in smaller properties and put up with overcrowding because they have no other option.

**Robina Qureshi:** It was remiss of me not to say that Adrian Lui is our caseworker at Positive Action in Housing. Ricardo Rea is the training and development officer. He carries out a national training programme on racial equality for tenants organisations. Ricardo will cover consultation and tenant participation issues in the bill as they affect ethnic minority communities.

**Ricardo Rea (Positive Action in Housing):** Research was done in 1993 by the Commission for Racial Equality prior to the setting up of my projects. We did more research last year which confirmed that the situation has not changed very much since 1993. There is very little black and minority ethnic participation in traditional tenants groups. A reasonable estimate of the number of tenants groups in Scotland is 700. Of 122 replies from the survey, only four organisations noted any black or minority ethnic person as a member.

It is fair to say that my work over the past year has shown that many things that are relevant to black and minority ethnic people—harassment

issues, for example—are not seen by tenants groups to be particularly high on the agenda. The agenda for tenants groups has been dominated by housing stock transfer, housing conditions and the proposed extension of the right to buy. As is quite often the case with equal opportunities, racial equality has, to a certain extent, been pushed to the background. I will circulate some of the research to the committee later.

The bill considers a right to participation and there is a focus on tenants groups as a conduit for consultation on the relevant provisions. We are concerned that the consultation process on, for example, stock transfer will not be as complete as it could be if it concentrates on tenants groups that do not include people from black and minority ethnic communities and that do not pick up the concerns of those communities in any other way.

If people are serious about inclusion, they must make a real effort to consult groups who might not be covered by tenants groups. I understand that the intention is that, under the single social tenancy, individual tenants would also have rights to participation and would have to be consulted. However, we are concerned that consultation in the run up to the bill being passed might not involve black and minority ethnic communities. There is no conduit for that.

Another important provision is for the monitoring of tenants organisations, which will probably be done by Scottish Homes mark II—the executive agency that will replace Scottish Homes. If people are serious about including black and minority ethnic people in consultation and participation, monitoring should be rigorous and the monitors should be prepared to act if a tenants group is not making a serious effort to include members of all communities. Obviously, tenants groups should receive resources, training and support for their efforts to include all communities throughout the consultation and participation process. Nobody is suggesting that tenants groups should be penalised unnecessarily because there is a lack of support or funding. Support and funding must be part of the package.

That concludes my remarks for the moment.

**Robina Qureshi:** Next we will address racial harassment. A characteristic response by some housing officers to the racial harassment of those who seek better housing is to respond implicitly or explicitly that racial harassment is an excuse for a better house. That is plainly not the case. The police, the CRE and others cite an increase in racist incidents. The number of such incidents in Scotland increases hugely every year. They are a disproportionately greater problem than in England.

During the committee's discussion last week,

Jamie McGrigor questioned Jackie Baillie, the Minister for Social Justice, about whether the bill would include a duty on local authorities to put money into tackling racial harassment and to provide rapid response units or fireproof letter boxes. Jackie Baillie responded that there would be no duty, but that the Executive's approach was to create a sense of ownership and that guidance would be issued. We have produced guidance on tackling racial harassment for every housing provider in Scotland. That guidance has been adopted but not implemented.

We want a duty to be placed on local authorities to ensure that they put money into and have the resources for tackling racial harassment. The lack of such a duty is creating no-go areas on council estates where black people feel that they are not welcome. On top of that problem, which has never been tackled—people have very rarely been evicted on the ground of racial harassment—there is now the problem of asylum seekers and refugees. Sheila Arthur will address that.

We would like racial harassment to be tackled through a duty. I know that the CRE suggested that, if a duty is not placed on local authorities, there should be some sort of inspection process. We would like something far tougher than guidance, because that definitely has not worked.

Anti-social behaviour is explicitly covered in tenancy agreements but racial harassment is not. We want tenancy agreements to include an explicit reference to racial harassment being a ground for eviction. That would say to any potential thugs—tenants who think that they can get away with that kind of behaviour because they got away with it on the estate from which they came—that racial harassment will not be tolerated and that they will put their tenancy agreement in jeopardy and face eviction if they racially harass people. If the tenancy agreement is as black and white as that, tenants will not behave in that way.

The location of the permanent accommodation that councils are required to offer to unintentionally homeless households in priority need should be appropriate. Location is important, over and above the size of the house. People want to feel safe in the area in which they live more than they want the right size of house.

We have some points that we would like to make about the extended right to buy. I am speaking generally when I say that—overall—council housing is less preferred by members of the ethnic minority communities who are in housing need than the accommodation that is provided by registered social landlords. For various reasons, ethnic minority communities see council housing as housing that isolates and exposes them to the worst excesses of racial attacks. We are concerned that the extended right

to buy will have a detrimental impact on the supply of housing. Our clients—who tend to be on or below the poverty line—rely heavily on registered social landlords, who tend to have properties in and around the multiracial areas in which our clients want to live.

10:30

One of the standard reasons that researchers and council officials have given, since the 1990s, for the under-representation of black and minority ethnic tenants in the Glasgow City Council sector, is not discrimination or a problem with allocations policy, but that the right to buy means that the good houses have been bought up. For a while, we bought that excuse, until we saw that there were other reasons that people were not getting access to decent housing. Although that reason was partly right, other reasons, such as racism and racially discriminatory policies, were involved. We would like to make it clear that we believe that the extended right to buy will further exclude the most vulnerable and the poorest people in housing need, and so exacerbate their housing problems.

I will hand over to Sheila Arthur—a management committee member of PAIH with a background of working with registered social landlords—who will cover the issue of asylum seekers.

**Sheila Arthur (Positive Action in Housing):** At the moment, I run, voluntarily, two English language and support classes in the Sighthill area of Glasgow. Sighthill has around 2,000 houses and asylum seekers are being placed there because of the number of empty units. The English classes that I run are not funded, but are supported by donations from housing associations. Few activities are provided for asylum seekers in the area.

If the Parliament is serious about integrating communities and tackling social exclusion, it cannot ignore the housing problems experienced by asylum seekers and those who are accepted as refugees. They live in the worst housing—accommodation that no one else wants—and suffer serious racial attacks. In my experience, those attacks are escalating. It is certainly a big issue, as virtually everyone I come across has either had regular, direct experience of racial attacks or has watched others experiencing them.

PAIH did a survey of people who visited its office at the back end of last year, which showed that 85 per cent of those surveyed had experienced racial attacks. PAIH wants an amendment to the Housing (Scotland) Bill to restore asylum seekers' entitlement to local authority housing. At the moment, although the National Asylum Support Service is the accommodation and services provider, it does not pay much attention to

housing. In Scotland, housing is devolved to the Scottish Executive, but MSPs should take into account the fact that the members of one of Scotland's communities have no accommodation rights.

Once an asylum seeker becomes a refugee, that person is at risk of homelessness, except if the refugee is in local authority housing when they are given 14 days to find new accommodation. Many refugees do not have access to English classes or to proper support, and so do not speak good English. Once the UK Government has granted refugee status to asylum seekers, it is easy for them to fall through the net and become homeless and destitute. Committee members might like to consider how to take forward the fact that little housing support is provided once an asylum seeker becomes a refugee. Someone with no experience of Western culture could live in this country for only six weeks, yet be left completely alone once they were accepted as a refugee.

**Robina Qureshi:** We have tried to give the committee a grass-roots perspective on some of the issues that have been addressed more technically in previous discussions and reports. Most, if not all, the problems that we highlight come down to very basic issues, such as the failure of black and ethnic minority communities to be empowered within the housing context, despite the Government's commitment to mainstreaming. There is a lack of participation and engagement of ethnic minority communities. Overall, there are very few black and ethnic minority voices in the housing policy-making process.

In our June 1999 submission on the agenda for modernisation, we concluded that Positive Action in Housing should obtain membership of the Scottish housing advisory panel. We never got that membership, and will not call further for it. We are not yet members of any other mainstream group. I repeat that we are the only Scotland-wide race and housing agency. The issue is about social inclusion, integration and getting people involved. We are an agency, not individuals. We are not people in housing need—we are not directly involved in that, but we are tackling it. If we do not get membership of the Scottish housing advisory panel, we would like a specific race and housing task force to be set up, to inform the Parliament's housing policy processes at all levels.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I want first to pick up on a matter that Ricardo Rea was exploring. Ricardo talked about tenants groups and participation—he gave the figure of about 700. Does that cover tenants forums, tenant management co-operatives and so on? Would it be helpful if the bill included a requirement for tenants groups to have formal equalities training? Community empowerment will

very much involve tenants groups.

Adrian Lui mentioned a number of clients who are homeless or roofless. They will not be part of any tenants organisation. Where is the opportunity for them to participate?

**Ricardo Rea:** My project is funded by the Executive, and the definition of tenants groups that I am working with includes tenants associations, tenants groups and tenants and residence groups. It does not strictly include such organisations as tenant management co-ops, because they also involve landlords to an extent. They should already be funded for training through other routes, including by local authorities.

As far as the requirements on tenants groups to take equal opportunities training are concerned, the Executive recognised, in funding the project as part of the national scheme for tenant participation, that there might be a need for a top-down approach to kick-start the whole thing.

I sat on the working group that produced the codes of practice for tenant participation. No specific code of practice for race equality has been produced. That is in part because we were invited to participate in that working group late, and in part because of the fact that the other codes of practice that applied were supposed to incorporate equal opportunities generally. I reiterate that those are codes of practice; they are not strict, down-the-line rules.

As far as the appropriate level of monitoring is concerned, the rough intention—certainly from the tenants organisations on the working group—was, subject to questions of finance, to have a registered tenants organisation. People would have to fill out a form, which would be administered by their housing provider, be that a local authority or a registered social landlord. If they complied with the stipulations on the form—that they had to have certain policies, to be constituted in a certain way, to hold meetings a certain number of times a year, and to have their members elected in a certain fashion—they would be recognised by the housing provider as a fit organisation.

I understand that, under the bill as introduced, funding or resources would be provided by local authorities or RSLs. There might possibly be central provision from Scottish Homes mark II. That, however, is a bit up in the air, and I am not sure what is happening with that. The intention would be that organisations that did not come up to scratch would not qualify for funding. That would provide an element of control.

In the past, a reliance on guidance has required strong monitoring. People have to be prepared to say that a certain organisation has not come up to scratch and is therefore not fit, because, for



example, it might not be making any effort to include all members of the community.

We would like such monitoring to be as strong as possible with regard to tenants groups. That would avoid the situation in which organisations are funded to represent tenants despite making no effort to represent them or the organisation falling down in some other way. Not all tenants groups are like that, but the research that has been carried out and my work with tenants groups over the past year have indicated that monitoring is not high on the agenda.

**Elaine Smith:** That leads me to a question on targets and monitoring. In paragraph 28 of your response, you

“call for punitive measures on Registered Social Landlords”

who do not consult widely enough and who fail to hit targets on race equality. What sort of punitive measures might that include? Who would impose such measures?

**Robina Qureshi:** It will take me some time to find that paragraph—we have several written responses. I understand that you were referring to our response to “Better Homes for Scotland's Communities”.

Sorry—what was the question?

**Elaine Smith:** You have called for punitive measures on RSLs that do not consult sufficiently widely and that do not hit their targets. That ties in with what Ricardo Rea was saying about monitoring and evaluation.

**Robina Qureshi:** That is about what could be called a liberal idea, that organisations are expected to have guidance and to do certain things. However, where are the measures that say, “Listen, if you don't comply with equal opportunities on this, this and this, and if you don't deliver on clear expectations, we have the right to withdraw money from your organisation”? That has never happened to a registered social landlord.

It is all right to have a regulatory framework. Scottish Homes did a lot of work on that, and we worked with it in drawing it up. The one thing that it fell down on was the lack of punitive measures that would have demonstrated how serious it was about equal opportunities, particularly in some outlying areas where there are problems with racial attacks. People make the common mistake of thinking that if there are very few people from ethnic minorities in an area, there is not a problem of racism. The converse is true: there is more likely to be a problem of racist attacks in such areas because people may be isolated, singled out and targeted.

The housing associations concerned would be

expected—I would say—to have strict guidelines for implementing racial harassment procedures, to ensure that people are given written and verbal warnings, and that they face eviction if they or their family members persist in harassing another member of the community in which they live. If there are no punitive measures that could be used on housing associations, RSLs and local authorities, how can we expect to get equality of opportunity?

**Elaine Smith:** Do you have any examples of the type of punitive measure that you think could be imposed? Who should impose them? Should that be done by Scottish Homes mark II, as you put it, or the Executive?

**Robina Qureshi:** Scottish Homes used to threaten—perhaps not threaten, but it used to impose punitive measures for areas other than equal opportunities. Linda Fabiani could testify to the sort of punitive measures that were taken. I cannot remember specific examples, but I know that Scottish Homes was making progress on equal opportunities. However, it did not have the stick with which to threaten somebody who did not respect equal opportunities. I believe that that point is glaringly obvious as far as the Housing (Scotland) Bill is concerned.

**Linda Fabiani (Central Scotland) (SNP):** I was thinking about what you said about all the good practice and the codes of guidance and people patting themselves on the back because they have reached their targets. You are saying that one can almost always reach an appropriate target if it is in the code of guidance, but that there are no punitive measures. Is that where the race and housing task force might come in? It could look over all the types of landlords; councils, RSLs and so on. It would have real teeth and could go to the funding bodies to say that although the right boxes are being ticked, the landlords are not performing.

**Robina Qureshi:** We see that task force concentrating on outcomes and having the power to say what should happen in respect of landlords who do not comply.

10:45

**Sheila Arthur:** Sometimes, as Linda Fabiani said, monitoring is simply done through tick boxes. However, there are possibilities for more qualitative monitoring, such as asking tenants what they think.

**Linda Fabiani:** So rather than simply paying lip service to monitoring, monitoring could be carried out properly and rigorously.

**Sheila Arthur:** Yes.

**Robina Qureshi:** If the race and housing task force is set up, it will not be a body that gives one-

off evidence. It will offer to the Parliament continuing consideration of race and housing issues. The Parliament will be able to rely on the task force to consider the impact of policies on minorities. The entry of asylum seekers and refugee communities to Scotland will increase vastly the number of ethnic minority communities; that must be addressed. There are potential time bombs and perhaps severe racial tensions. Such a task force would give black organisations and agencies a voice to highlight their concerns, similar to the way in which the racial equality advisory forum has operated, but specifically in relation to race and housing.

**Kay Ullrich (West of Scotland) (SNP):** Thank you for coming to give evidence to the committee. The PAIH submission makes very interesting reading. I was especially struck by the statistics on overcrowding, such as the fact that ethnic minority overcrowding in Glasgow is 15 times greater than it was 10 years ago and that Pakistani households are 11 times more likely to suffer overcrowding than the general population. Those are startling statistics. Do you consider that the homelessness provisions in the bill will help to ease black and ethnic overcrowding?

**Robina Qureshi:** In what respects?

**Kay Ullrich:** Do you think that the homelessness provisions will in any way alleviate the situation?

**Robina Qureshi:** There is insufficient large housing provision and people do not have access to suitable accommodation.

**Kay Ullrich:** Are you saying that the homelessness provisions are all very well, but that there is a specific problem in relation to overcrowding in black and ethnic communities because lifestyle considerations mean that they tend to need larger tenancies?

**Robina Qureshi:** There is that tendency, but that does not mean that people do not need smaller housing as well.

**Kay Ullrich:** Yes, but there is a specific problem in the level of demand for five or six bedroom apartments.

**Robina Qureshi:** Yes. There have been problems because the homeless unit has rehoused families in very overcrowded accommodation and people have lived there for months and even years, although they are not supposed to be in such unsuitable accommodation.

**Adrian Lui:** The other alternative is to house people in empty houses that are big enough, but which happen to be in peripheral estates that are away from the multicultural support network. People do not want that. We have had cases in

which people would rather live in overcrowded conditions—putting up with two or three bedrooms less than they need—than move away from their communities.

**Kay Ullrich:** I want to play devil's advocate for a moment. You are calling for ring-fenced funding for black and ethnic minority housing, but that could be divisive. What would happen if other groups called for a similar approach? Would not that create problems in prioritising funding?

**Robina Qureshi:** There has been ring-fenced money for barrier-free housing and for housing for older people. We are talking about another special need—the unmet housing needs of ethnic minorities—to be addressed through ring-fenced funding. That would require specific money to go towards development funding, particularly for larger housing and housing for older people. That is all that we are calling for—a commitment to accountability.

**Linda Fabiani:** When people start to talk about ring-fencing money and black-led housing associations, people get the idea that there is an exclusive little unit somewhere that will not speak to anyone else and that will get all the funds. Can you clarify how you see it? Are you talking about some kind of national group that uses ring-fenced funding for black and minority housing throughout the country, or are you talking about setting up lots of different little black-led housing associations?

**Robina Qureshi:** Ring-fenced money and black housing associations are two separate issues. Black and ethnic minority-led housing associations are about encouraging ethnic minority-led committees, which will manage all representations of tenants and staff across the board. That is an empowerment issue. Ring-fenced money is about accountability and wanting to know where the money is being spent to address the specific unmet needs of visible minority communities. The accusation has been levelled that that approach will create ghettos. However, right now there is no ring-fenced money, no black housing associations, but there are ghettos. I want to emphasise that there are also ghettos of white communities in which black and ethnic minority people are not welcome.

We are not saying that we want ethnic minority areas; we are saying that there are unmet needs that exist because of racial and cultural problems that must be addressed. There is a dire need to address the housing needs of our older people and of people with larger families. If those issues are subsumed into the mainstream statistics it will appear as though we have no problems. That is not the case.

**Linda Fabiani:** There has been lobbying to get development funding to create housing that suits

the particular cultural needs of different families. As you say, we ring-fence money for barrier-free housing and so on. Is there a need for more open discussion about the kind of housing that we should provide, particularly given the refugee dispersal programme and the consequent increase in ethnic minorities?

**Robina Qureshi:** A race and housing task force could discuss that issue.

**Kay Ullrich:** You mentioned the needs of the elderly population. Have you done any research on black and ethnic minority access to sheltered housing, very sheltered housing and the whole process of care in the community?

**Robina Qureshi:** Yes. Three years ago, we carried out research with three housing associations: Bield Housing Association, Kirk Care Housing Association and Hanover (Scotland) Housing Association. Adrian Lui can address the issues that arose from that research.

**Adrian Lui:** The elderly have specific needs, regardless of ethnic origin. Ethnic minority elders have their own community support, through their extended families and so on. However, it goes back to the issue of the lack of larger type housing and where that is not provided, something has to give—the family has to split up. Elderly minority ethnic people want to live in the same safe multiracial areas as the younger generations.

I have worked closely with a couple of housing projects for the Chinese elderly in Edinburgh and Glasgow. The feedback that I had was that people want specific services, but they do not want to be ghettoised—they want to blend in and be anonymous. They want to live their lives peacefully and quietly. They do not want to be seen as separate or to be treated as special cases.

**Kay Ullrich:** Are you saying that they do not want access to what we would call sheltered or very sheltered housing?

**Robina Qureshi:** The research that was carried out highlighted the fact that people face isolation in mainstream sheltered housing. A specific preference was stated by different ethnic groups of older people for sheltered housing that addresses their specific cultural and social needs, by employing bilingual wardens and catering for their diet and the way in which they mix and communicate.

**Kay Ullrich:** Okay. I shall not pursue the matter further. It was of specific interest to me.

**Ricardo Rea:** There is a general point to be made about black housing associations and the issue of diversity. In England, there are many black housing associations and other black organisations, and there is the Federation of Black

Housing Organisations. Four big English mainstream housing organisations are members of the Federation of Black Housing Organisations, which recognises that mainstream organisations will always house the majority of black and minority ethnic people. There must be diversity of provision to ensure that the overall picture is fair for everybody. The idea that black housing organisations would necessarily be divisive is a bit of a straw person. The aim should be to provide sufficient diversity in the housing sector to fulfil people's genuine housing needs. Black housing organisations have not proved divisive in England, but they have been quite successful.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Let us return to the earlier debate about whether codes of practice or laws and regulations are best. I accept the point about the need for an explicit definition of what constitutes a racist attack rather than antisocial behaviour—that is a given. The evidence that you have submitted in the past shows that it is difficult for agencies and authorities to define a racist attack in that way. Attacks are sometimes assumed to have been vandalism or antisocial behaviour. I know that you are concerned that the agencies do not take into account the racist element of an attack.

Do you think that that problem will be exacerbated by the increase in the number of RSLs, which would have their own definitions of and ways of dealing with racial harassment? Do you think that there should be a code of practice to govern that, or is a specific law required to define a racist attack and the way that it should be dealt with?

**Robina Qureshi:** Are you asking whether there should be guidance?

**Mr McMahon:** Should there be guidance or legislation? Should there be an element of flexibility, or should there be a definite solution to the problem?

**Robina Qureshi:** There should perhaps be a specific code of practice. However, we would like measures that would force landlords to respond. The guidance that has been issued by the CRE and Positive Action in Housing has not elicited sufficient responses. We would like a duty on landlords to do something. As soon as housing associations knew that that duty would be applied to them, and that they would be inspected and held accountable, they would start to consider the issue seriously and think about how to differentiate between antisocial behaviour and racial harassment.

**Mr McMahon:** When you presented evidence previously, you mentioned the concern that, following attacks, in many cases the victim is taken out of the environment in which they live. If

the number of RSLs was increased, the practical problem might arise that the victim and the attacker lived in different RSLs. How might the situation be resolved then?

**Robina Qureshi:** If a duty were placed on RSLs and local authorities across the board, similar practices would exist for dealing with racist attacks. Academically, there would not be a problem in resolving the situation if one person lived in one authority area and the other lived elsewhere, or if they were tenants of different landlords.

At the moment, there are problems because, although some registered social landlords are trying to make progress, others are making no effort at all and do not even recognise that racist attacks are an issue. Some housing associations still refer to racial harassment not as a problem of harassment or antisocial behaviour, but as behaviour arising from special circumstances. That is unacceptable.

**Mr McMahon:** I have a comment on refugees. Last week I met a group of refugees from Sighthill—children who attend St Roch's Secondary School—and we talked about a range of issues. They accept the fact that the houses in which they have been asked to live are not of a very good standard, and they do not want anything that the local indigenous population does not receive. They fear that their problems would be exacerbated if they were given something that other people are not given, such as a heater in a living room. However, the problem is not that they are being given something to which they feel that they are not entitled, but that the voucher system prevents them from getting things that other local residents take for granted, such as heating for the other rooms. Is that your experience? How could the bill address such problems?

11:00

**Ricardo Rea:** I have worked reasonably closely with a tenants association in Sighthill, and have received its feedback along with that of two other tenants associations in Glasgow and one in Edinburgh. Edinburgh might take asylum seekers in future. A good way in which to integrate a community, if asylum seekers are decanted to an area, is to ensure that something is done to improve the local infrastructure. Often, asylum seekers are decanted to deprived areas, where there is a poor infrastructure and poor housing. Tenants groups recognise that when dispersal is undertaken, if something could be done for the whole area, the dispersal would go ahead much more smoothly for everybody.

**Mr McMahon:** Do you think that the local authorities should have a greater involvement,

rather than national asylum support service being responsible for the allocation—the no-choice arrangements?

**Robina Qureshi:** Housing legislation is the responsibility of the Scottish Parliament. However, the system that houses asylum seekers in Scotland is run from Croydon. What kind of integration is that? We can talk about social inclusion and integration, but we have to pretend that we are not talking about asylum seekers. We are saying that asylum seekers do not count. We are having a debate about the Housing (Scotland) Bill, but we are forgetting about what is happening to asylum seekers, although they are future citizens of this country.

It is honourable and dignified of the children and young people to whom you spoke to say that they do not want anything that the local people are not getting. That is the kind of response that we receive continually from asylum seekers. They remain dignified in spite of the savage attacks on them by the media and politicians who are jockeying to prove that they are tough on asylum seekers. It is humbling to hear that kind of comment.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Do you consider that the consultation process was inclusive enough in getting the views of those who will be affected by the proposals? Do you feel that the policy intent and possible consequences of the bill were made sufficiently clear?

**Robina Qureshi:** The Scottish Executive tried, and we must recognise the progress that was made in comparison to previous years in which such consultations were carried out. There can be no doubt that attempts have been made to consult organisations. The problem lies in the disparity in power between the housing experts and excluded groups such as black and minority ethnic organisations, which are perhaps not up to speed on the debate. That is symptomatic of the fact that they have not been involved and engaged in the debate. They might not have the resources to get involved in the debate. That was a problem with the consultation.

**Mr McGrigor:** Have the issues that were raised in the consultation process been incorporated into the bill? In line with the Race Relations (Amendment) Bill, has the enforceable positive duty to promote racial equality been integrated into the Housing (Scotland) Bill?

**Sheila Arthur:** We would be happier if the bill referred explicitly to race issues. At the moment, it is a colour-free agenda. Even the front page of the "Better Homes for Scotland's Communities" consultation paper that you issued showed a white mother and father and two children. That is not

very inclusive.

**The Convener:** For clarification, I point out that the committee did not issue that document. It was published by the Scottish Executive, from which the committee is quite separate. The evidence that we take will feed into a report, which we will submit to the Executive.

**Elaine Smith:** I want to explore a few issues relating to homelessness, the right to buy and local authority provision. I will begin with the right to buy.

Robina Qureshi expressed concern about the extended right to buy. She stated that it would further reduce housing access for black and minority ethnic groups. The bill allows for the suspension of the right to buy in pressured areas. Is that helpful? What else would improve access? What is your opinion of the concept of right to buy, never mind its extension? The term "right to buy" is a misnomer, as it has been used as a housing policy tool. What are your thoughts on that?

**Robina Qureshi:** Unless I am mistaken, COSLA stated that it did not expect to receive many applications for suspension of the right to buy in pressured areas. That raises questions. We will have to wait to see how things pan out. We will have to wait to learn how many organisations apply for suspension, whether they are successful and whether they have reasons and research showing that they need it.

**Elaine Smith:** On that point—I am sorry to jump in, as I know that I asked other questions—what is your understanding of "pressured areas"?

**Robina Qureshi:** The term "pressured areas" suggests to me areas in which people need access to social rented housing. If one has social rented housing, why would one want to buy the houses in those pressured areas in the first place? I hope that you catch my drift. As I understand it, right across the board, social rented housing is aimed at the people in greatest housing need. The stock should be left alone for the people who really need it, unless there are strict guarantees that houses will be built to replenish the stock.

**Elaine Smith:** That is a clear answer.

The bill leaves the duty to house homeless persons with local authorities, but the transfer of stock may mean that in future local authorities will not be landlords or may have only residual housing of last resort. How will that affect the people whom you represent? What do you think of the recommendation for an arbiter to act as a go-between between local authorities and RSLs in the event of a problem?

**Ricardo Rea:** I do not think that there is any practical alternative to leaving the statutory duty to deal with homeless persons with local authorities.

The issue is how good a deal local authorities will be able to make with housing associations—how strongly will local authorities be able to demand X number of units in a housing association's stock? I would be keen for local authorities to retain a strong hand—perhaps even a stronger hand than they have at present. It is a real worry.

I seek clarification on another point. Yesterday, I tried to log on to the Scottish Parliament website to read the Housing (Scotland) Bill. I note that the Homes Bill in England provides that if a person who is suffering racial harassment goes to another local authority area for rehousing, they will not be referred back to the original local authority. I could not read the Housing (Scotland) Bill yesterday to confirm whether it will include a similar provision. It is important that people should not immediately be referred back to the same area. I know of an RSL in the centre of Glasgow that would not look at a case because it considered an RSL in a peripheral area to be responsible. Clarification on those matters is important.

**Elaine Smith:** I recently asked the minister that question in relation to domestic abuse. I encountered similar problems when I worked as a homelessness officer; someone who applied to a local authority other than the one in which they were made homeless could be referred back. We were told that it was the intention that that should not happen, but you raise a good question in relation to black and minority ethnic groups.

It is interesting that you assume that X number of houses would be provided to house homeless people. That is not my understanding. I wonder whether each case would be taken individually.

**Robina Qureshi:** Surely the bill will have to stipulate that a certain percentage of houses are allocated to deal with homeless people?

**Elaine Smith:** I do not know. It is an interesting point.

**Robina Qureshi:** We want to tag another question on to that: what happens if housing associations that have been the subject of stock transfer do not want homeless people in their areas?

**Elaine Smith:** That kind of issue is worrying. That is why there will be some form of arbitration. The question is how long arbitration will take. When I asked whether the people involved would have an input into the process, Jackie Baillie answered quite clearly that they would—that answer can be found in the *Official Report*.

**Robina Qureshi:** Why would one want to arbitrate? Local authorities deal with homeless people—people who need homes and are at their lowest ebb. Local authorities must be able to say that X number of houses are theirs, so that they

can exercise their duty to house homeless people.

**Elaine Smith:** In the bill—

**The Convener:** Would you wind up your questioning, please?

**Elaine Smith:** There are many issues. The role of local authorities is changing; they are becoming housing facilitators rather than providers. Will that affect their ability to provide a joined-up service to the groups that you represent? Is the service adequate at the moment?

**Robina Qureshi:** No doubt the service will become more bureaucratic. We will see what the hiccups are.

**Linda Fabiani:** It would be worth while for Sheila Arthur to describe again what happens when an asylum seeker becomes a refugee. Where does the balance of responsibility lie between the national asylum support service and the local authority, in this case Glasgow City Council? What happens to that person? Are preparations being made to deal with the increased dispersal of asylum seekers, on the assumption that at least half of those who come to Scotland will end up as Scottish subjects—I hope that they will eventually be Scottish citizens.

**Sheila Arthur:** I am not sure that I am best placed to answer. Adrian Lui has direct experience.

**Adrian Lui:** Once an asylum seeker receives a positive decision from NASS, they are given 14 days to find alternative accommodation. If they are in council accommodation, they are offered the chance to stay there. Otherwise, after 14 days, NASS withdraws all support in the form of vouchers and the asylum seeker is left to his or her own devices to apply for benefit and housing. We have made the point that that could increase homelessness.

**Linda Fabiani:** Are support systems beginning to be put in place, or is nobody bothering?

**Sheila Arthur:** We do not know of any.

**Robina Qureshi:** Once the official support of the local authority has gone, that is it. People are accepted to stay or get exceptional leave to remain.

**Linda Fabiani:** So there is no transition after that?

**Sheila Arthur:** Not that we or the asylum seekers—the refugees, as they become—know of.

**Ricardo Rea:** If support from the national asylum support service and so on is cut off and people are looking for advice about claiming benefits, there does not seem to be anything other than the existing network—social work, welfare

rights or the citizens advice bureaux. It would be good if social work departments, Citizens Advice Scotland and others took a proactive view, so that they could have programmes or outreach clinics in place where a lot of this is likely to happen. We have only just approached Citizens Advice Scotland about that, so we have not had an answer yet. You are right—things have to be put in place in time to ensure that needs are met.

11:15

**Linda Fabiani:** That is depressing—it is a terribly low note to finish on.

**The Convener:** I thank the witnesses for coming to give evidence, especially since I realise that it is sometimes difficult for their organisation to respond to consultations such as this. We have had an e-mail conversation about resources and I have written to the Scottish Executive about the issue. It was valuable for the committee to hear from you today.

## Reporters

**The Convener:** The final item on the agenda in the public part of the meeting is reports from reporters. There is a written report from Michael McMahon about his meeting with refugee schoolchildren. Does he want to say anything about it?

**Mr McMahon:** I start by acknowledging the effort that the children made to come and speak to us. It was depressing to hear about the problems that they are having, but it was encouraging to hear how positive they are in coming to terms with those difficulties.

I thank Richard Walsh for pulling together the paper for us—we were given an incredible amount of information in half an hour. The children fired all sorts of information at us. Jamie McGrigor and I, who attended the meeting, were grateful for that. Some of the issues may be worth considering in relation to our response to the Housing (Scotland) Bill.

There are wider issues to do with relocation policies. As Robina Qureshi said earlier, an organisation based in London, which has no knowledge of the people in Glasgow, is putting refugees in places such as Sighthill, miles away from anything that they need to help them to settle here. Muslims are being put miles from the nearest mosque and in areas where there are no shops selling halal food. Those are practical problems, of which an organisation in London would not be aware. The organisation looked at where there was accommodation and put the refugees in Sighthill. What those children were experiencing was simply the result of bad policy.

The children raised the practical difficulties of coming here. They want to integrate into the community. They have a fairly good system in the school—they were fairly positive about the help that they receive there. Their major concern was what happens after school and between school and home. They are denied access to local community centres because they have to pay to get in and you cannot pay with a voucher. That is a whole avenue that is shut off to the children.

On the heating problems in the houses, they were not asking for anything that, for example, a Glaswegian living in a tower block in Sighthill would not get from the council. However, if people could afford it, they would buy another form of heating, such as a Calor Gas or an electric heater—those cannot be bought with vouchers. The children raised those problems very articulately. They were appreciative of whatever help they can get, but were not afraid to tell us about the areas where they think there are

problems.

We have tried to pull together all those issues, some of which could be considered in relation to the Housing (Scotland) Bill. Ministers with responsibility for such issues should be given the information that we were given by the children. It was heartening on one level, and depressing on another.

**Kay Ullrich:** It is quite an eye-opening report. I have only just received a copy, but what strikes me is how bad the voucher system is for the children. The swimming pool is sitting on their doorstep and they cannot pay to go there—that simple example brings it all home.

**Mr McMahon:** Absolutely.

The report mentions that the children are being bullied, which is the reason we talked to them in the first place. Although there have been instances of bullying in school, the children said that the support that they have received there is fairly good. In some areas there was no specific support, although one organisation had tried to help as much as it could. As a result of the concierge system in the tower block, there was little or no bullying in the building. The children felt safe when they were at home or at school, but there was no possibility of integrating into the wider community.

**Kay Ullrich:** They cannot afford to go places.

**Mr McMahon:** The wider implications of the issues we were considering were always being brought home to us. The exclusion was endemic. By its nature, the way the children had to live excluded them from society.

**Kay Ullrich:** All that for want of having a quid or two in their pockets like everybody else.

**Mr McMahon:** That came through loud and clear.

The children appreciate the reasons for many of the difficulties that they encounter. The problems are practical ones associated with being put in Sighthill, miles away from the nearest mosque. They cannot get to the mosque by bus, as buses will not take vouchers. They almost feel as if they have been dumped in Sighthill—that is very sad.

**Linda Fabiani:** While Michael McMahon and Jamie McGrigor were meeting the children and having a detailed discussion, I was having lunch with another group of children. What struck me was the great reluctance among refugee and asylum seeker children to admit to being bullied and harassed. Their parents tell them not to cause trouble in their new home and to be nice. It is good that the children opened up to you like that.

**Mr McMahon:** They warmed up once they realised that we were there to listen to them.

**Linda Fabiani:** The minister who came to speak to the youngsters at the meeting I was at was Malcolm Chisholm. I do not know the protocol for this, but it might be worth asking the minister's office for a transcript of the questions the children asked him, and whether they will be taken any further.

I am aware that I am fairly new to the committee, but it strikes me that the most heinous inequality in our society is the way in which asylum seekers and refugees are treated. Has the Equal Opportunities Committee discussed that as a major issue in the past?

**Mr McMahon:** Yes. Robina Qureshi has been here before.

**The Convener:** She was here on that issue.

**Mr McMahon:** It has been raised by groups such as PAIH and the Commission for Racial Equality. We have considered the refugee issue—not extensively, but it is something that we have been aware of. When groups such as PAIH have been here we have taken the opportunity to ask them to tell us about the issue.

**Linda Fabiani:** Has the committee done anything about it—put in a report to the Executive, for example?

**The Convener:** We have heard evidence on various aspects of the issue, which we can put forward for stage 1 of the Housing (Scotland) Bill. I know that the Local Government Committee will be considering specific issues later in the year.

**Mr McMahon:** It will be talking about it this afternoon.

**The Convener:** It would be useful to ask Michael McMahon, as the committee's race reporter, to feed in to the Local Government Committee's discussion of the wider issues, which have equal opportunities implications.

**Linda Fabiani:** Could we get together to discuss that, Michael, and you could give me an update?

**Mr McMahon:** Yes. As I said, when such issues are being discussed, I will always inform members of this committee in advance so that they can come along if they want to. We can have informal reporters' sessions and then come back to the committee.

**Elaine Smith:** There are issues around the UN Convention on the Rights of the Child. Cathy Jamieson had a members' business debate on the subject some time ago. It was pointed out then that although immigration and asylum are a reserved matter, schools, education, health, social work, housing and other issues are devolved. Vouchers were mentioned in that debate. If I recall, the minister said that the situation would be monitored and that feedback would be given to the

Westminster Parliament. I agree with Michael McMahon's recommendations, but I wonder whether there is any way in which we can give feedback on the voucher system to Westminster or to a joint committee.

**The Convener:** The Social Justice Committee has just published a report on the issue, which it would be useful for us to have a look at. Given the fact that the Local Government Committee is considering the matter and the Social Justice Committee is feeding into its deliberations, it would be useful to feed in as well, rather than go off at a tangent. We can ask for the views of this committee to be taken on board by the Local Government Committee and fed into the Westminster system. I will let the Local Government Committee know that we will take an interest in the matter and I shall report back to members about the time scale.

**Mr McMahon:** Could my report form the basis of a submission to the Local Government Committee?

**The Convener:** Your report is useful and covers many areas, but we might want to take more evidence on the subject, as there may be other issues that are relevant to the committee's remit. Michael McMahon's report can certainly act as a starting point for evidence to the lead committee for stage 1 of the Housing (Scotland) Bill. Because it is such a distressing topic, people want to rush off and start doing things immediately, but I think that it would be useful to take more evidence and decide on the best way of progressing. We should certainly not duplicate work that is being done by other committees.

I will contact the Local Government Committee and I will ask the clerk to ensure that all members get a copy of the Social Justice Committee's report.

Do members agree on the recommendations in Michael McMahon's report?

**Members indicated agreement.**

**The Convener:** Do members also agree to copy the report to the cross-party parliamentary group on refugees and asylum seekers?

**Members indicated agreement.**

**The Convener:** Do other reporters want to report anything before we move into private session?

**Elaine Smith:** I am taking evidence this afternoon on the women and justice agenda. I will report back on that at a subsequent meeting.

11:28

*Meeting continued in private until 12:30.*



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