

Why sexual orientation is important for social housing providers

AUGUST 2010

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stonewall housing

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About the authors

Joanna Jeffery and **Richard Seager** have been working as independent consultants for over 20 years. Prior to this, they worked in both central and local government. They have been HQN Associates for several years, specialising in E&D. In the past few years they have:

- Written HQN briefings on various equality-related topics
- Completed equalities audits of London boroughs, LAs and HAs
- Carried out assessments for LAs and ALMOs of their progress in meeting the Equality Standard for Local Government
- Carried out assessments of progress made in meeting the requirements of the CRE Code on Race Equality in Housing
- Carried out a large number of mock inspections of ALMOs, HAs and LA housing departments that focused on equalities issues
- Prepared guidance for the Housing Corporation on the impact of the Race Relations (Amendment) Act, 2000 on its work as a regulator
- Researched and written the National Housing Federation's good practice guide on EIAs, *Equality & Diversity: A Framework for Review and Action*
- Devised and delivered equalities training programmes for London Boroughs, other LAs, HAs and voluntary organisations
- Drafted race equality, disability and gender equality schemes for LAs and HAs
- Devised/delivered numerous seminars on achieving three stars for E&D
- Prepared several briefings and good practice toolkits for HQN including a good practice toolkit on aids and adaptations and guidance on equalities data collection and use.

Joanna has been a member of Surrey Police Authority and a director of Surrey Community Action. Richard was for many years a board member of ASRA, the first Asian Housing Association, and until recently was the vice chair of the Surrey Adoption Panel.

Preface

In March 2010, HQN asked its members if they had any questions on equality-and- diversity-related matters. Nearly 100 questions were submitted. In response to the queries raised, HQN has published three major briefings and will shortly be publishing a new toolkit written by Joanna Jeffery and Richard Seager, HQN Associates specialising in equality and diversity. The briefings cover:

- The implications of the new Equality Act and the Tenant Services Authority (TSA) requirements on equality and diversity for housing providers (see HQN briefing <http://www.hqnetwork.co.uk/briefings>). This briefing included answers to questions raised by members on transgender monitoring
- Incorporating equality and diversity into procurement (see HQN briefing <http://www.hqnetwork.co.uk/briefings>)
- Why sexual orientation is important for social housing providers (this briefing is being produced in conjunction with Stonewall Housing).

The toolkit will focus on embedding equality and diversity into the day-to-day work of housing providers.

In addition HQN has published a report by Wulvern Housing on its experiences of carrying out a customer profiling exercise (see HQN briefing <http://www.hqnetwork.co.uk/briefings>).

Main points

- The Equality Act 2010 includes sexual orientation as one of the 'protected characteristics' and outlaws discrimination against a person or group of people because of their sexual orientation
- Lesbian, gay and bisexual (LGB) people make up a significant minority of the population – between 5% and 7%, according to government estimates. This group should not feel isolated within tenant or staff groups, but rather protected and celebrated in housing organisations
- The Equality and Human Rights Commission (EHRC) report *Beyond tolerance* reinforces the importance of monitoring sexual orientation
- Social housing providers can build the confidence of their LGB service users and staff by using monitoring data to improve services and the workplace, by carrying out proper consultation with LGB people and by offering support where appropriate
- This briefing is aimed at all social housing providers.

Introduction

A considerable number of the questions raised by HQN's members related to sexual orientation in housing. The questions covered:

- How to monitor sexual orientation for staff and service users – what questions should be asked and how should the monitoring be conducted? How should monitoring of the sexual orientation of young people be approached?
- How should data on sexual orientation be used?
- How to set up and support LGB staff groups
- How to engage with LGB communities.

This briefing therefore focuses on these four areas. It begins with a brief overview of some of the key issues in social housing affecting LGB people as it was clear from some questions that social housing providers were sometimes unaware of these. This briefing has been written jointly with Stonewall Housing who provide specialist advice on sexual orientation and housing. It focuses on lesbian, gay and bisexual people. Some issues affecting transgender people were covered in a HQN briefing <http://www.hqnetwork.co.uk/briefings>.

Key issues in social housing for LGB people

In 2008 and 2009, the EHRC carried out extensive research into the experiences of lesbian, gay and bi-sexual Britain today. It published its findings in a report called *Beyond tolerance*. The EHRC found that:

“Our groundbreaking new research shows that in 21st century Britain, despite legal advances, homophobia still has an unacceptable everyday impact on the lives of LGB people. Attitudes have undergone a sea change over the last few decades, with much greater understanding and tolerance. However, the fact that LGB people feel that they can't be open about their sexual orientation in their local neighbourhood... and that LGB people would not even consider certain jobs for fear of other people's reaction, is a worrying sign that prejudice and discrimination still limit people's choices and chances in life.”¹

Housing issues affecting LGB people

Young LGB people

Research suggests that over a third of young LGB people may face domestic abuse from family members and be forced to leave home. A need for support may result in them wishing to move to predominantly urban areas where there are perceived to be established LGB communities, potentially offering such support.

Agencies dealing with young homeless people do not always recognise that sexual orientation can be a factor in their homelessness. Research by Shelter and Stonewall Housing showed that sexuality had a significant affect on young LGB people's experience of homelessness, compounding the emotional distress of homelessness with the sometimes difficult process of coming to terms with their own sexual orientation, often experiencing homophobia and being 'invisible' to housing and support agencies²

"Agencies dealing with young homeless people do not always recognise that sexual orientation can be a factor in their homelessness"

Older LGB people

Again, 'invisibility' is a key problem. There is rarely any recognition that sheltered scheme residents, for example, might include LGB people. There may be discomfort and a lack of openness among both staff and residents about LGB issues. LGB older people may suffer isolation from both their families and other service users and may face harassment from other service users.

The Commission for Social Care Inspection report *Putting people first: Equality and Diversity Matters 1*³ states that in its survey, 45% of LGB people using social care services reported that they had faced discrimination whilst using services. However, only 9% of service providers in the sample said that they had carried out any specific work to promote equality for LGB people and only 2% had done so for transgender people.

Homophobic harassment and violence

Stonewall's research showed that 59% of the LGB people interviewed had experienced abuse, violence and harassment outside the home – and many thought their sexual orientation was the motivation for this. Being a victim of harassment – for example verbal abuse or graffiti – can also identify the sexuality of the victim to other neighbours who might have been unaware of the victim's sexuality, thus causing further harassment.

If victims wish to report the harassment, they know that they will have to reveal their sexuality. Even if action is taken against the

perpetrator, the victim may still suffer ostracism from other neighbours or still be at risk as their sexual identity has become more widely known. In such cases, it may be preferable to consider a transfer for the victim, if that is their wish.

Beyond tolerance highlights the importance of dealing with homophobic harassment and hate crime:

“LGB people are often particularly concerned about potential prejudice in their local neighbourhood. Ellison and Gunstone found that only 29% of gay men, 25% of lesbians, 10% of bisexual men and 18% of bisexual women feel able to be open about their sexual orientation without fear of prejudice or discrimination while walking down the streets in their neighbourhood.”⁴

Same sex domestic abuse

A third of the LGB people in Stonewall’s research reported having suffered violence in the home. Again victims know that they will have to reveal their sexuality to agencies if they want to report this. There is also a lack of appropriate facilities for LGB people escaping domestic abuse. Women may be placed in women’s refuges but these may not be ideal and LGB women can face harassment by other hostel occupants. There are very limited hostel places available for men escaping domestic abuse.

LGB issues in housing policies

LGB people are often invisible within policies and their housing problems are rarely reflected in policies and strategies. Common examples include:

- Lack of definition of ‘a family’
- Lack of a clear definition of who is covered in succession policies as a partner
- No flexibility in the special reasons for local connection – eg, wanting to move into area where there are support services aimed at LGB people
- Homophobic harassment being treated less seriously than other harassment – in our experience many social landlords, quite rightly, treat racial harassment very seriously but consign homophobic harassment into a general ASB policy and procedure
- The suspicion of collusion or intentionality for young homeless people can discourage applications even when

"A third of the LGB people in Stonewall's research reported having suffered violence in the home"

there has been a family breakdown because of their family's reaction to their sexual orientation

- Not including homophobic harassments in Third Party Reporting arrangements, making it harder for LGB people to make complaints about discrimination in a safe environment
- Invisibility within promotional material, support and care planning policies and consultation exercises within the organisation.

"EHRC work highlights that reluctance to collect data on sexual orientation creates a vicious circle"

Monitoring sexual orientation

In their recent review of evidence on sexual orientation for the EHRC, Mitchell et al. (2009) concluded that 'the absence of reliable statistical data on sexual orientation presents a major obstacle to measuring progress on tackling discrimination and tackling inequality'.⁵

There are several possible reasons for the failure to collect reliable statistical data, including uncertainty about what to ask and how. Some social housing providers have indicated that their view is that sexual orientation is a private matter.

However, this reflects a failure to grasp that data collection does not mean intrusion into people's lives. As Botcherby and Creegan explain: "Asking questions on sexual orientation for public purposes does not mean that people will be asked to reveal intimate information and people will always be in a position to choose what they reveal about their sexual orientation. Everyone has a right to personal privacy and making sexual orientation a public issue is not an argument for 'outing' people."⁶

Most social housing providers are now collecting data on disability and communication requirements to help them deliver services appropriately to applicants and service users. It is also widely recognised that the collection of information covering race, gender and ethnicity has provided a base for employers and service providers to scrutinise whether they are providing services or employment opportunities fairly.

The EHRC work highlights that the reluctance to collect data on sexual orientation creates a vicious circle – no data means that there is no evidence of issues, which means that no action is taken. In addition, the failure to collect data is seen by many LGB people as evidence of a lack of interest by employers and service providers.

The Equality Act 2010 includes sexual orientation as one of the 'protected characteristics' and outlaws discrimination against a person or group of people because of their sexual orientation. If social housing providers are not monitoring sexual orientation, they will have little evidence with which to defend themselves if they are taken to court for discrimination on the grounds of sexual orientation.

The Audit Commission is clear about its expectations on monitoring on sexual orientation. An 'excellent' organisation is one which monitors board members, staff and contractors by 'a variety of key indicators including race, gender, sexual orientation, ethnic origin, disability and age'. It also 'knows the breakdown of residents by age, ethnicity, disability, gender, sexual orientation and faith, where residents are comfortable about disclosing this information, and other factors that are relevant locally'. In addition, it 'sets diversity goals for all service user involvement and monitors and reports on the breakdown of service user involvement bodies, surveys, forums and focus groups by ethnicity, gender, sexuality, age, disability, faith, and location as relevant'.

Recent short notice inspection reports reinforce the Audit Commission's position. The collection and monitoring of sexual orientation data are seen as strengths. The failure to do so is seen as a weakness.

"The Audit Commission is clear about its expectations on monitoring on sexual orientation"

Before monitoring begins

The following are some of the principles which should already be in place before monitoring begins.

An inclusive organisational culture

If service users and clients are concerned about discrimination or do not feel able to be 'out' or open about being LGB when accessing services, it is unlikely they will want to declare their sexual orientation or gender identity for monitoring purposes. Your organisation must be a place which actively challenges discrimination, welcomes LGB people, and demonstrates an awareness of LGB equality and inclusion.

Having a reason to monitor

It is important for your organisation to know why it wants to start monitoring and what it will do with the data. Identify what gaps there are in your knowledge and draw up a set of strategic aims and objectives for filling those gaps and using the information.

A secure monitoring system

Under the Data Protection Act, your organisation must store the data securely. LGB people will only feel safe disclosing their details if they are reassured that their data will be treated confidentially and will not be used to their detriment.

Get staff on board

It is crucial that staff understand and support the monitoring process. They will need training, awareness-raising and ongoing support. They should be equipped to:

- Understand why sexual orientation is being monitored
- Collect data in a professional and sensitive way
- Answer clients' questions and address their concerns about monitoring
- Treat the data confidentially.

Communication

As well as ensuring staff understand why sexual orientation is being monitored, the organisation should communicate its reasons for monitoring, and its policy on confidentiality, to service users and clients, for example in a 'frequently asked questions' leaflet. Make it clear that there are strong reasons for

monitoring, such as service improvement and tackling discrimination.

What to monitor?

Where your organisation is already collecting equalities or client profile data (for example in initial assessment or customer satisfaction), questions on sexual orientation can be added. Please note: sexual orientation and gender identity are two separate categories and should not be combined. A 'prefer not to say' option should be added to all monitoring categories, not just the sexual orientation questions. Definitions of terms may be added where necessary.

Sexual orientation

The following format has been established as good practice by the EHRC:

| | |
|---|--------------------------|
| What is your sexual orientation? | |
| Bisexual | <input type="checkbox"/> |
| Gay man | <input type="checkbox"/> |
| Gay woman/lesbian | <input type="checkbox"/> |
| Heterosexual/straight | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |
| Prefer not to say | <input type="checkbox"/> |

Who to monitor?

All tenants of all ages should be asked the same monitoring questions so that no LGB person is made to feel invisible. Members of households should be given the opportunity to complete separate monitoring forms in case they do not want to come out, or fear doing so, even to their own family members.

Confidentiality

A key concern for LGB people is confidentiality. LGB people may feel that if they are open about their sexual orientation in data collection, it will be used to prejudge them or used against them in the future. In addition, they may not wish workmates, family, friends or neighbours to have access to this information.

All personal information should be respected and treated with confidence but this is particularly important for sexual orientation data. It will be a concern if there is unrestricted access to customer profiling data. Sensitive data should only be available to a small number of staff who have been trained in its use and storage. It should never be available to, for example, temporary staff who have not had such training.

Using monitoring data

Monitoring must happen for a reason, so an organisation should plan to analyse it and report back on it. Here are some points to bear in mind.

Treating early data with caution

Expect a lower response rate when new monitoring categories are introduced, compared to more established questions. Early data may be under-representative, and it is important not to make assumptions about low numbers. LGB people may initially be cautious about disclosing information. As people get used to a question and can see positive reasons for answering it, response rates are likely to increase.

Analysis and reporting

Organisations should agree the frequency with which data will be collated, analysed and reported on. In time, organisations may identify trends and set targets. Reporting is an opportunity to inform strategy, but also to demonstrate to funders and service users how issues are being addressed. However, where respondent numbers are very small, care should be taken not to reveal the identities of individuals. Confidentiality applies to reporting as well as data collection.

Taking action

If the data does reveal patterns of inequality or under-representation, it is important to then take steps to address this. If people can see that by taking part in monitoring they can help to improve service delivery, they will be more likely to participate in future exercises.

Monitoring in the future

As sexual orientation monitoring becomes commonplace, agencies may start to ask if clients are open or 'out' about being LGB, to understand if they hide their identity to avoid discrimination. As confidence to declare grows, agencies should be able to consider sexual orientation as a core element to a person's support and advice package, with a bearing on their past experiences and future risks and needs.

"If data does reveal patterns of inequality or under-representation, it is important to then take steps to address this"

How to engage LGB people – be proactive!

Raise staff awareness

Ensure staff are aware of the rights and needs of LGB people, including the need for confidentiality and privacy if they want to disclose that they are LGB. Never make assumptions about whether or not an individual is LGB.

Publicise your anti-discrimination policy

Make sure you have a strong anti-harassment and discrimination policy which explicitly includes homophobia. Mention this when publicising your service so everyone knows that your organisation does not tolerate discrimination of any kind.

Target your promotion

Promote your service directly to the LGB communities. For example:

- Advertisements or articles in the LGB media and online forums
- Posters or leaflets in LGB community and social venues
- Participation and information distribution in local Pride festivals (June to August) and LGB History Month events (February)
- Talks and presentations for local LGB community forums and support groups.

Inclusive communication

Make sure your existing publicity materials, posters and reports make specific reference to the diverse communities you serve, including LGB people.

Reflect diverse identities

Reflect the LGB communities in the imagery you use in your publicity. This could include images of different groups of people, such as same-sex couples or parents. Think about how you can ensure LGB representation among your staff, volunteers and board members.

Display LGB visuals

If your clients visit you at an office, displaying images such as the rainbow flag (a symbol of the LGB communities) or posters from LGB community organisations will send out a positive message that your service is aware of and welcomes its LGB service users.

Partnership working

Make links with LGB community and voluntary groups locally and nationally. Building close relationships will enable you to better understand the needs of those communities, and tailor your services as appropriate. It will ensure people can feel confident that your approach is inclusive and welcoming, and will also help you find out what services people are avoiding for fear of discrimination.

Consult and communicate

Talk to your LGB clients. Be imaginative: find out what they need and what their perceptions of your service are. Where do clients go to if they want to report harassment or complain about staff or clients? Would they feel safe approaching someone in your organisation? Would they rather liaise with a third party reporting scheme in the area or communicate through an LGB community and voluntary group?

Celebrate your success

When you have engaged successfully with LGB people, such as increasing the number of individuals who come to you or addressing an issue of particular concern to the community, celebrate it. Promoting what you have done well will encourage more LGB people to engage with you in the future.

***"Be imaginative:
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Setting up and supporting LGB staff groups

Staff and tenants should be given every opportunity and resource to assist them to set up distinct or joint support networks, where they will feel safe to meet and discuss issues about working and living as LGB people in the housing organisation. Meetings may need to be arranged at a neutral location to ensure anonymity for those who fear coming out to others.

Access to any virtual support networks for LGB staff and tenants and all correspondence about LGB support networks and meetings should also respect LGB people's need for anonymity.

Consultation with LGB communities

In 2008, Bath and North East Council began consultation aimed directly at residents and employees who identified as LGB. The aim of the consultation was to inform the development of the Council's first Sexual Orientation Equality Scheme. The report on the consultation noted: "Consulting LGB people is not without its challenges, being one of the least researched among the country's minority communities."⁷ Nevertheless the Council carried out successful consultation using a range of methods.

Possible methods for social housing providers to use include:

- Using local LGB groups – possibly asking partner agencies for any groups with whom they work
- Using focus groups to which there is an open invitation for LGB staff and residents to attend
- Using targeted invitations to focus groups
- Using virtual consultation forums such as a section of the website, or online questionnaires
- Advertising in LGB press and websites
- Using local knowledge of any pubs, clubs, etc, popular with LGB people
- In-depth interviews with local LGB organisations staff and members
- Attending any functions run by, eg, local police gay networks
- Ensuring tenants' and residents' groups are inclusive and welcoming to LGB people.

Anchor Housing has set up a network for staff and tenants⁸.

Brighton and Hove City Council have produced a Lesbian, Gay, Bisexual and Transgender (LGBT) People's Housing Strategy⁹ with the advice and support of the LGBT Housing and Support Working Group, which brings together statutory agencies and community representatives.

Further resources: Stonewall Housing

Stonewall Housing provides housing advice and advocacy to LGBT people of all ages and supported accommodation for LGBT people aged between 16 and 25. The volume of calls and the life experiences that it has gathered since 1983 have been incorporated into major pieces of research on youth homelessness, LGBT housing needs, hate crime, asylum-seekers, and HIV and housing and it frames the opinions it voices on the equalities boards of the Homes and Communities Agency, the Tenant Services Authority and the Mayor of London.

For advice: 020 7359 5767

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info@stonewallhousing.org

<http://www.stonewallhousing.org>

Further reading

Pugh, S. (2008), *Back in the closet – the care system and older lesbians, gay men and bisexuals*, in *Equality Law and Older People*. London: Stonewall:

http://www.equalityhumanrights.com/uploaded_files/research/beyond_tolerance.pdf

Dick, S. (2008), *Homophobic Hate Crime: The British Gay Crime Survey*. London: Stonewall:

http://www.stonewall.org.uk/documents/sexual_orientation_hate_crimes_paper.pdf

Recognising and addressing homophobic and transphobic harassment: a guide for social housing providers and homelessness services – produced by Stonewall Scotland and the Scottish Housing Regulator:

http://www.stonewall.org.uk/documents/stonewall_housing_report_2_harassment_final.pdf

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- ¹ *Beyond tolerance: Making sexual orientation a public matter*, EHRC 2009: <http://www.equalityhumanrights.com/fairer-britain/beyond-tolerance-sexual-orientation-project/>
 - ² Results of Stonewall Housing and Shelter on the housing needs of LGB people, published as *Sexual Exclusion Issues and Best Practice in Lesbian, Gay and Bi-sexual Housing and Homelessness*, which is available from Stonewall Housing via their website <http://www.stonewallhousing.org>
 - ³ http://www.cqc.org.uk/db/documents/putting_people_first_equality_and_diversity_matters_1.pdf
 - ⁴ Ellison, G. and Gunstone, B. (2009) *Sexual orientation explored: A study of identity, attraction, behaviour and attitudes in 2009*. Manchester: Equality and Human Rights Commission
 - ⁵ Cited in *Beyond tolerance: Making sexual orientation a public matter*, Equality and Human Rights Commission 2009 p. 13
 - ⁶ Botcherby, S. and Creegan, C. (2009) *Moving forward: Putting sexual orientation in the public domain*. Manchester: Equality and Human Rights Commission. http://www.equalityhumanrights.com/uploaded_files/research/research40_so_moving_forward.doc
 - ⁷ *Consulting with lesbian, gay and bisexual communities: a report for Bath & North East Somerset Council*. Katherine Cowan, January 2009 <http://www.bathnes.gov.uk/NR/rdonlyres/89C75942-AD57-4F4A-BB29-6EC087F1741C/0/BNESLGBConsultationfinalreport.pdf>
 - ⁸ Anchor Support Network contacts: Brenda Metcalfe Brenda.metcalfe@anchor.org.uk or Rowena McCarthy at rowena@tintwhistle.freeserve.co.uk for more information
 - ⁹ Brighton and Hove City Council LGBT People's Housing Strategy [http://www.brighton-hove.gov.uk/downloads/bhcc/LGBT_Housing_Strategy_Final_\(draft\).pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/LGBT_Housing_Strategy_Final_(draft).pdf)