

Oxfam Law into Practice Project / Govanhill Law Centre Report

# Unequal and Unlawful Treatment

Barriers faced by the Roma Community in Govanhill when  
accessing welfare benefits and the implications of section 149  
of the Equality Act 2010

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# Foreword

Seven years and eight months have passed since the eight central and east European countries (so-called A8 countries: Poland, the Czech Republic, Hungary, Estonia, Lithuania, Latvia, Slovenia and Slovakia) joined the EU on 1 May 2004. Perhaps the most important benefit that EU accession has brought to the Roma is freedom of movement within the EU. Free movement within the EU has enabled Roma to flee discrimination, racism and segregation in their countries of origin and to engage and participate in the local systems of education, employment and healthcare in the UK.

Since 2004, we have seen a mass exodus of central and east European Roma to the UK, a phenomenon which is truly fascinating. To date, the Roma have established significant communities throughout the UK, particularly in the north of England, the Midlands, Kent/Medway and north and east London but also in Scotland (Glasgow), Wales (Cardiff and Newport) and Northern Ireland (Belfast). Despite the economic recession and the employment restrictions on nationals from Bulgaria and Romania, which the British government has kept in place, the number of Roma migrating to the UK has been reported to be rising steadily. Although it is not known how many Roma live in the UK, the best estimate is around 500,000.

Prior to 1 May 2011, when the transitional employment restrictions imposed on the A8 countries were lifted, the movement of Roma had been taking place in spite of the fact that in the receiving countries, in this case the UK, A8 Roma as well as non-Roma nationals were in fact second-class EU citizens. They had to register their employment (full or part time) under the Worker Registration Scheme and they were not able to claim jobseeker's allowance or income support until they had worked in the UK without interruption for a period of 12 months of registered continuous employment. This lack of recourse to public funds was a major negative factor influencing the lives of many disadvantaged and poor Roma families in England and Scotland, a topic which I had an opportunity to discuss with Roma from Glasgow-Govanhill in the course of two annual meetings of Slovak, Czech and Romanian Roma organised by Oxfam GB in April 2009 and May 2010. Many of them had hoped that the lifting of the restrictions would help remove some of the inequalities that emerged as a direct result of the employment restrictions. However, despite the change, anecdotal evidence suggests that the same or similar inequalities persist as a result of what seems to be an incorrect use of "right to residence" and "habitual residence".

This is why I was particularly glad to learn that Govanhill Law Centre had been commissioned by Oxfam GB to produce a report, the aim of which was to look at the impact of this major change to the rules determining A8 migrants' ability to access welfare benefits and public funds.

It is important to explore the various ways in which free movement of Roma to the UK has benefited the largest and most discriminated against ethnic minority group in Europe and fostered their social inclusion. For example the findings of a recent pilot research study by Equality and the Roma Education Fund show that 85% of the Czech and Slovak Roma pupils who study in UK mainstream schooling had been previously placed in special schools, de facto segregated schools or predominantly Roma kindergartens in Slovakia and the Czech Republic.

However, in order to challenge the inequalities faced by the Roma, it is equally important to analyse the more problematic aspects of the "European integration project", as well as some of UK government's shortcomings in the process of implementing Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely.

## Lucie Fremlova

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# Executive Summary

- Administrative delays, inefficiencies, barriers and inequality are endemic within the UK public authorities (HMRC, DWP, local government) charged with administering welfare benefits for Roma European Union (EU) citizens in Glasgow. These administrative failings cause real poverty to our Roma clients and represent a fundamental denial of their rights under EU law.
- Many of our Roma clients' problems ultimately stem from the UK Government's restrictions on A8 and A2 nationals' right to work and the application of the discriminatory 'right to reside' and 'habitual residence test'. The European Commission recently advised the UK that the right to reside test was discriminatory and unlawful under EU law; yet this barrier remains in place.
- As a result of delays evidenced in this report, our clients and their families are being deprived of income they are legally entitled to. While benefits applications are processed, families are forced to subsist on meagre resources. These inordinate delays are contributing to child poverty in working Roma families in Govanhill.
- From our review of Roma client files we found that:
  - 53% of cases had received a refusal of benefit based upon an erroneous decision made by a public authority.
  - Where clients made a formal complaint, they often received no response to their complaint from the public authority.
  - In 56% of cases there was an unreasonable delay in the public authority providing a decision to the detriment and prejudice of clients.
  - Of our cases involving HMRC, at least 44% were dealt with by HMRC's 'Compliance Team', generally without the client knowing that this was what was causing the additional delay in the processing of their claim for tax credits or child benefit.
  - HMRC often holds our clients' passports and birth certificates for many months to several years.
  - Unreasonable requests for information from our clients were made by public authorities in 35% of cases, e.g. requesting a new lease when the existing one was in force.
  - Once a favourable decision was made by a public authority, in 23% of our cases there were then further unreasonable delays, e.g. waiting for four months for payment of benefit, where it had taken two years for a favourable decision to be made, or the routine refusal by Glasgow City Council to make interim payments.
- In many cases, officers of public authorities wrongly stated the law, e.g. HMRC advising clients that they could call at the client's home without any notice and seize all of his possessions for a disputed overpayment.
- The consequences of all of these failures result in an increased risk of homelessness, destitution, and child poverty.
- Our formal 1998 Data Protection Act requests for the purposes of this report on behalf of Roma clients to the DWP (Jobcentre Plus) have all been unlawfully ignored, with no response several months after submission of the requests.
- Glasgow City Council impose a barrier to data subject access requests by requiring a special form to be completed with two types of ID, despite the Information Commissioner's Office making it clear that there should be no prescribed form for a request.
- Incomplete information was provided by HMRC in response to data subject access requests.
- Evidence was found of HMRC and the DWP discriminating against Roma clients in a number of ways, contrary to the Equalities Act 2010, and we found no evidence of HMRC or the DWP taking positive steps in terms of the 2010 Act to advance equality of opportunity for Roma clients.
- A majority of our clients found their experience in dealing with Glasgow City Council to be good. However, they were treated differently to other housing benefit claimants.
- As a result of this report we propose to undertake follow-up action which will include:
  - Formal complaints to the Information Commissioner's Office.
  - Ingathering of further relevant information, utilising the Freedom of Information (Scotland) Act 2002 and the Freedom of Information Act 2000.
  - Campaigning and parliamentary work to highlight the failure of public authorities to implement their duties under the Equality Act 2010, including the need for appropriate training for public authorities on their duties under the Act.
  - Test case work utilising section 149 of the Equalities Act 2010.

# Chapter One: Introduction

## Background

Govanhill Law Centre is part of the Govan Law Centre Trust (GLC) and is a free, community controlled law centre based in the Govanhill area of Glasgow. GLC is a registered Scottish charity, no. SCO30193. We provide legal advice and representation on housing, employment, social security law and education matters for Govanhill residents free at the point of delivery.

We opened in November 2008, funded by the Scottish Government's Equalities Unit, OXFAM, UNISON Scotland, USDAW, and supported by Govanhill Community Development Trust to address unmet legal need in Govanhill, particularly the lack of legal advice and representation for Black and Minority Ethnic (BME) communities, including the Roma community.

Govan Law Centre currently deploys 5 dedicated staff to Govanhill Law Centre - two qualified solicitors, a trainee solicitor, a Czech speaking caseworker/interpreter and a legal clerical officer, with support from Glasgow law student volunteers. We became a busy service almost immediately, and over the past three years have built up a significant client base. Through the work of our bi-lingual caseworker, and with the interpreting services of Glasgow Advice and Information Network (GAIN), we have been able to provide an accessible service to non-English speakers in our community.

In 2010, 38% of our clients identified themselves as Roma: from Slovakia, Czech Republic, Romania, Lithuania and Latvia. For the purposes of this report, we will be reporting on our clients who identify themselves as Roma and have sought our advice and representation in relation to welfare benefits claims.

Over time we have become increasingly concerned to note similar stories of delays, inconsistency and bad practice seem to apply to all our Roma clients when applying for benefits, regardless of their personal circumstances. Lengthy waiting times, unreasonable requests for information and retention of passports are commonplace.

Research carried out nationally in 2007 by Citizens Advice Scotland into the position of so-called A8 migrants accessing benefits pointed to barriers present in the benefits system<sup>1</sup>, confirmed by our own casework and the anecdotal evidence of local advice workers. The Scottish Parliament Equal Opportunities Committee's 'Report into Migration and Trafficking' reported:

*"[T]he Committee was extremely concerned to hear it suggested in evidence that, not only do many migrants not know about their rights and entitlements, but that some public services are often not fully aware of these either. While the Committee accepts that the issues may be complex, it finds this situation unacceptable as these services are relied upon to offer help and accurate advice. The Committee recommends that the Scottish Government should investigate and address this particular issue as a matter of urgency and to report to the Committee on its findings."*<sup>2</sup>

Through the Scottish Migrants Network, in 2009 we collated 30 case studies from organisations such as Positive Action in Housing, Citizens Advice Scotland and Govan Money Matters, tending to show bad practice, delays and incorrect decisions for our A8 clients. We submitted the case studies to the DWP in Glasgow, and separately submitted complaints to HMRC, but we did not see any improvement in service provision for our clients.

Given that over one third of our clients identify themselves as Roma, we felt it was important to report and publicise the real struggles and injustices this client group routinely face. We decided to focus on the issue of welfare benefits (this is the issue the majority of our Roma clients seek our help with) and the way in which three public authorities responsible for administering benefits – Her Majesty's Revenue and Customs (HMRC), the Department for Work and Pensions (DWP) (Jobcentre Plus) and Glasgow City Council (Housing Benefit Department) – treat our Roma clients. This report is an attempt to establish whether there are recurring patterns in the treatment of Roma clients and, in particular, how these impact upon the public authorities in terms of their equalities duties under section 149 Equality Act 2010.<sup>3</sup>

<sup>1</sup> Crowley, H., *Continental Drift: Understanding advice and information needs for A8 migrant workers in Scotland*, Citizens Advice Scotland, 2008

<sup>2</sup> EO/S3/10/R5, SP Paper 543 5th Report, 2010 (Session 3)

<sup>3</sup> For an explanation and discussion of s149, please see Chapter 2

## **Methodology**

To carry out research to discover whether there were recurring patterns and, in particular, how these affected the duties on the public authorities in terms of their equalities duties under s149 of the Equality Act 2010.

## **Research Methods:**

We undertook a review of current and archived files for Roma clients and gathered information using a *pro forma* form to capture information to identify clients who appeared to have experienced poor treatment.

We then contacted clients whose cases showed that they had experienced poor treatment which may be unlawful, and asked them to complete mandates to enable us to recover all their records from the public authority concerned under the Data Protection Act 1998. We also interviewed a number of clients to ask them about their experiences of dealing with three public authorities responsible for administering benefits – HMRC, DWP (Jobcentre Plus) and Glasgow City Council (Housing Benefit Department). The questions we asked were specifically framed around the s149 Equality Act public sector duty (discussed in more detail in Chapter 2).

In Chapter 3, you will read numerous case studies detailing the problems faced by our clients.

Our clients' stories tell the real human cost of the failings of HMRC, DWP and Glasgow City Council. Behind every statistic is a family, and as well as presenting our findings, we hope we are able to help tell their stories.

We have set out our recommendations and plans for future action in Chapter 6.

# Chapter Two: Literature Review

## 1. The Roma in Govanhill

The Roma have been identified as the most vulnerable and deprived ethnic group in Europe. The mistreatment of and discrimination against Roma in Europe has been well documented.<sup>4</sup>

The Roma originally migrated from northern India to Europe in the 11th century. Although often referred to as “travellers”, the Roma have settled in communities throughout Europe. Most Roma today live in eastern and central Europe. Prior to EU enlargement, a number of Roma from eastern European countries sought asylum in the UK because of the discriminatory treatment they experienced in their home countries due to their ethnic origin. Following EU enlargement in 2004 and 2007 a number of Roma from countries such as Slovakia, Czech Republic, Lithuania and Romania moved to the UK to seek work and a better life for themselves and their families.<sup>5</sup>

A number of Roma families have settled in the Govanhill area of Glasgow. Govanhill has traditionally housed a high proportion of migrants due to its proximity to the city centre and the high availability of cheap rented housing – a recent housing survey carried out by Govanhill Housing Association recorded 51 languages spoken in local households. In 2008 it was estimated that there were 2000-3000 Roma living in Govanhill, concentrated in accommodation within 4-5 streets.<sup>6</sup> The majority of Roma in Govanhill originate from Slovakia and the Czech Republic with increasing numbers from Romania.

In 2008 Oxfam and the University of the West of Scotland published a report on the situation of the Roma in Govanhill.<sup>7</sup> This report recognised that the Roma are vulnerable to the combined impact of being from an ethnic minority background and being migrant workers. It recognised that there were barriers to Roma inclusion over a range of public services.

*“Often in part-time, temporary employment, [outside] mainstream ‘legal’ structures as a result of their exclusion from public sector employment services and reliance on ‘gangmasters’ for work and housing, Roma are often unable to access the basic in-work benefits many other people working in the UK take for granted - a contract of employment, a minimum wage, pension rights, paid holidays, maternity leave, and paid sick leave to name a few. Both under EU and UK law the Roma have an ethnic status that safeguards their cultural and social rights and yet there is little recognition and few proactive processes in place within the UK to ensure these rights can be accessed and enjoyed by the Roma.”<sup>8</sup>*

The report found that a combination of low wages, the irregularity of work and the variation in hours available means that Roma families are forced to pool their meagre resources and share sub-standard accommodation in order to maintain a roof over their heads.

The report stated that Roma are particularly vulnerable to private sector housing dependency, given their high levels of unemployment and temporary, low paid employment. As a result they experience high rents, sub-standard conditions and non-existent tenancy agreements. They are often at the mercy of unscrupulous landlords and vulnerable to sharp practices such as unlawful evictions. This leads to overcrowding (as families are forced to pool their resources to survive in the face of unemployment, low wages and difficulties accessing benefits), and contributes to strained community relations (as a result of increased noise, for example). These factors also force Roma families to move frequently from one tenancy to another. These conditions and the consequences that arise out of them then work to reinforce negative stereotypes about minority ethnic groups like the Roma.

Like most low income workers, the Roma in Govanhill rely on means tested benefits such as tax credits and housing benefit in order to survive. This involves them having contact with public authorities such as the DWP (Jobcentre Plus), HMRC and Glasgow City Council (Housing benefit Department).

<sup>4</sup> Poole, L. & Adamson, K., *Report on the Situation of the Roma Community in Govanhill, Glasgow, 2008* – available at <http://archive.scottish.parliament.uk/s3/committees/eqal/inquiries/migration/subs/SEGlasgowCHCP1.pdf>

<sup>5</sup> In 2004, the following 10 countries joined the EU: Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Bulgaria and Romania then joined in 2007

<sup>6</sup> Poole & Adamson, *Ibid*, 2008

<sup>7</sup> Poole & Adamson, *Ibid*, 2008

<sup>8</sup> Poole & Adamson, *Ibid*, 2008



## Accessing welfare benefits – the right to reside and A8/A2 nationals

Most Roma living in Govanhill are either A8<sup>09</sup> or A2<sup>10</sup> nationals. Research carried out nationally into the position of so-called A8 migrants accessing benefits by Citizens Advice Scotland pointed to barriers present in the benefits system.

*"The most common benefit related enquiries involved working and child tax credits. In the main clients were eligible for these benefits but experienced difficulties applying for, and then tracking, the progress of their claims. These difficulties were exacerbated by language problems and the combined effect of these circumstances necessitated return visits to bureaux."*<sup>11</sup>

It is a condition of entitlement to many welfare benefits, including child tax credit, child benefit, jobseeker's allowance and housing benefit, that a person has a "right to reside". The "right to reside" test forms part of the "habitual residence test". The European Commission recently advised the UK Government that the right to reside test was discriminatory and breached EU law.<sup>12</sup> It has requested that the UK Government stop applying the test but the test is still being applied at present.

Most EU nationals exercising a treaty right in the UK will be exempt from the habitual residence test and therefore the right to reside test. The following categories of EU nationals are exempt from the test:

- Worker
- Self employed person
- Someone who has retained worker or self employed status (i.e. through incapacity or unemployment)
- Someone with permanent residence (5 years lawful residence)
- A family member of one of the above

The difficulty that many Roma clients face is that the UK Government chose to place restrictions on so-called A8 and A2 nationals' right to work so it can be difficult for them to achieve/prove worker status or to maintain it during periods of unemployment or ill health.

In 2004, the UK Government placed restrictions on nationals from 8 of the 10 countries which had newly joined the EU – the so called 'A8' countries.<sup>13</sup> These restrictions were in place until 30th April 2011<sup>14</sup> and required people from A8 countries to register their work with the Worker Registration Scheme. Unless this work was registered the A8 national was not recognised as an EU worker. Further, during the 12 month registration period, A8 nationals were unable to retain their worker status in the same way as other EU nationals if they lost their job through sickness or unemployment. After completing 12 months' registered work, A8 nationals obtained the same rights as other EU nationals and were no longer required to register their work. These rules affected the Slovakian and Czech Roma in Govanhill and often saw them experience periods of destitution given the short term nature of their employment, as they were often unable to claim benefits if they lost their jobs within the 12 month registration period. In addition, the scheme itself often caused difficulties as many people were unaware of the requirement to register their work and failed to do so.<sup>15</sup>

Citizens Advice Scotland noted in their 2008 report that:

*"Clients' registration with the Worker Registration Scheme and its administration were a significant component of advice needs."*

A8 restrictions ended on 30th April 2011. However, there still seems to be a widespread misunderstanding and ignorance of A8 nationals' entitlement to claim benefits.<sup>16</sup>

Likewise, the UK government chose to place restrictions on nationals of Bulgaria and Romania (A2 nationals) when they joined the EU in 2007.<sup>17</sup> These restrictions, which are still in place, require work to be authorised in advance through the Worker Authorisation Scheme.<sup>18</sup> These restrictions were extended earlier this year until the end of 2013. The Worker Authorisation Scheme is even stricter than the Worker Registration Scheme used for A8 nationals as it limits the type of job a Romanian or Bulgarian national can take. As a result, all of our Romanian clients are self-employed rather than employed.

<sup>09</sup> A8 nationals are nationals from the following 8 countries: Czech Republic, Hungary, Slovakia, Slovenia, Lithuania, Estonia, Latvia, and Poland.

<sup>10</sup> A2 nationals are nationals from Bulgaria or Romania.

<sup>11</sup> Crowley, H., *Continental Drift: Understanding advice and Information needs for A8 migrant workers in Scotland*, Citizens Advice Scotland, 2008

<sup>12</sup> See: <http://bit.ly/qbbqyD>

<sup>13</sup> Accession (Immigration and Worker Registration) Regulations 2004/1219

<sup>14</sup> They were abolished by the Accession (Immigration and Worker Registration) Regulations (Revocation, Savings and Consequential Provisions) Regulations 2011.

<sup>15</sup> Crowley, H., *Ibid.*, 2008; Poole & Adamson, *Ibid.*, 2008

<sup>16</sup> See Chapter 5

<sup>17</sup> Accession (Immigrations and Worker Authorisation) Regulations 2006

<sup>18</sup> Details of the Workers Authorisation Scheme can be found at <http://www.ukba.homeoffice.gov.uk/eucitizens/bulgaria-romania/>

## 2. The Equality Act 2010

The focus of this report is in relation to the public sector duty contained within section 149 of the Equality Act 2010.

The Equality Act 2010 was introduced to harmonise and strengthen equalities legislation.<sup>19</sup>

The Preamble to the Act describes it as:

*“An Act to make provision to require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes”*

The Government’s Explanatory Notes to the Act say:

*“The Act also strengthens the law in a number of areas. It creates a duty on listed public authorities when carrying out their functions and on other persons when carrying out public functions to have due regard when carrying out their functions to: the need to eliminate conduct which the Act prohibits; the need to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and the need to foster good relations between people who share a relevant protected characteristic and people who do not. The practical effect is that listed public authorities will have to consider how their policies, programmes and service delivery will affect people with the protected characteristics...”*

The duty on specified public authorities to have due regard to the matters listed above is found in section 149 of the 2010 Act. This is known as the “general duty”:<sup>20</sup>

### 149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The public sector equality duty imposes a general duty which is supplemented by specific duties contained in secondary legislation which are discussed in more detail below.

The general duty contained in s149 has been in force since 6th April 2011 and covers certain “protected characteristics” which include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Race is defined by the legislation as including—

- (a) colour;
- (b) nationality;
- (c) ethnic or national origins.<sup>21</sup>

This means that the Roma, as a distinct ethnic group, are protected by the duty by virtue of their race. They may, of course, as individuals also have some of the other protected characteristics, but the focus of this report is in relation to the characteristic of race.

<sup>19</sup> The previous equalities legislation harmonised by the Act includes the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, and the Employment Equality (Age) Regulations 2006.

<sup>20</sup> This section replaces section 71 of the Race Relations Act 1976, section 49A of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975. These provisions imposed similar public sector equality duties in relation to race, disability and gender (including pregnancy and maternity as an implicit part of gender, and partly covering gender reassignment) respectively. There were no equivalent public sector equality duties for age, religion or belief or sexual orientation in previous legislation. The section extends the new public sector equality duty to cover gender reassignment in full, age, religion or belief and sexual orientation.

<sup>21</sup> Section 9 Equality Act 2010

There are three strands to the general equality duty:

**1. Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act**

This means that public authorities, when creating policies, implementing policies and carrying out their day-to-day functions have a duty not to discriminate against, harass or victimise people with a protected characteristic. It requires public authorities to think about any ways in which their policies or actions may affect people with a protected characteristic at the planning stage.

**2. Advancing equality of opportunity between people who share a protected characteristic and those who do not**

Having due regard to advancing equality involves

- (a) removing or minimising disadvantages suffered by people due to their protected characteristics;
- (b) taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
- (c) encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.<sup>22</sup>

**3. Fostering good relations between people who share a protected characteristic and those who do not.**

This requires public authorities to give due regard, when carrying out their functions, to the way in which their actions may influence community relations. For example, if a member of Jobcentre Plus staff tells a Roma person in the local Jobcentre Plus that Roma people aren't willing to work, this is likely to damage relations between the Roma and members of other races who may believe the Jobcentre Plus member of staff's comments and form a negative opinion of Roma people.

According to the Act, public authorities must pay "due regard" to these three strands when carrying out their functions. The concept of "due regard" has been considered in case law.

In the case *R (Brown) v Secretary of State for Work & Pensions*<sup>23a</sup> the court set out some general principles about the steps a public authority should take to comply with the duty to give "due regard" to equality matters which include:

- When a public authority makes decisions that do or might affect a group sharing a protected characteristic, it must be aware of its duty to have due regard to the equality goals in the equality duties. An incomplete or erroneous appreciation of these duties will mean that "due regard" has not been paid.
- "Due regard" must be exercised with rigour and with an open mind. It is not a question of "ticking boxes". The duty has to be integrated within the discharge of the public functions of the public authority. It involves a conscious and deliberate approach to policy-making and needs to be thorough enough to show that "due regard" has been paid before any decision is made.
- If the public authority has not specifically mentioned the relevant general equality duty when carrying out a particular function, this does not mean that the duty to have "due regard" has not been performed. However, it is good practice for the public authority to make reference to the duty and any code or other non-statutory guidance. This will reduce the chance of someone successfully arguing that "due regard" has not been paid to equality considerations. This is also likely to enable a public authority to ensure that factors relevant to equality are taken into account when developing a policy.
- It is good practice for public authorities to keep an accurate record showing that they had actually considered their equality duties and pondered relevant questions. Appropriate record-keeping encourages transparency and will discipline those carrying out the relevant function to undertake their equality duties conscientiously. If records are not kept, it will be difficult, evidentially, for a public authority to persuade a court that it has fulfilled its general equality duty.

In *Meany & Ors, R (on the application of) v Harlow District Council*<sup>23b</sup> the court stated that there was no requirement when paying "due regard" for a public authority to carry out a formal equality impact assessment but that it has to demonstrate that it has consciously directed its mind to its equality obligations before taking a decision to implement a proposed policy, procedure or practice. In this case the court emphasised the importance of compliance with equalities duties not as a rear guard after a decision has been made, but as an essential preliminary to any such decision being made.

The s149 duty applies to public authorities listed in Schedule 19 of the Equality Act. This includes government departments such as HMRC and the DWP and local authorities like Glasgow City Council.

<sup>22</sup> S149(3) Equality Act 2010

<sup>23a</sup> *R (Brown) v Secretary of State for Work & Pensions* [2008] EWHC 3158 (Admin)

<sup>23b</sup> *Meany & Ors, R (on the application of) v Harlow District Council* [2009] EWHC 559 (Admin) (09 March 2009)

The summaries of these cases were taken from the EHRC's website and can be found at

<http://bit.ly/IFKcIO>

According to the Equality and Human Rights Commission (EHRC), in order to comply with the general equality duty, a public authority must ensure that:

- Those who exercise its functions (for example, its staff and leadership) are aware of the duty's requirements. Compliance involves "a conscious approach and state of mind". This means that decision-makers must be fully aware of the implications of the duty when making decisions about their policies and practices.
- The duty is complied with before and at the time that a particular policy is under consideration and a decision is taken. A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- Consideration of the need to advance equality forms an integral part of the decision making process. The duty must be exercised in such a way that it influences the final decision.
- Any third parties exercising public functions on its behalf are required to comply with the duty, and that they do so in practice. This is because the duty rests with the public authority even if they have delegated any functions to a third party.
- Regard is given to the need to advance equality when a policy is implemented and reviewed. <sup>24</sup>

## The Specific Duties

The Equality Act 2010 (Specific Duties) Regulations 2011 list the public authorities to whom the specific duties apply. This list includes government departments which includes HMRC and the DWP. In addition the Scottish Government has produced draft regulations (not yet in force) for Scotland (The Equality Act 2010 (Statutory Duties) (Scotland) Regulations 2011) which list public authorities to whom specific duties apply. The list includes "a council constituted under section 2 of the Local Government etc (Scotland) Act 1994" which would include Glasgow City Council.

The Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities covered by the specific duties to:

- publish information to demonstrate its compliance with the general duty in s149 (1). The information must include, in particular, information relating to persons who share a relevant protected characteristic who are employees or affected by its policies and practices (this does not apply to a public authority with fewer than 150 employees).
- prepare and publish one or more objectives it thinks it should achieve to meet its general duty under s149.

The draft regulations for Scotland would require listed bodies to prepare and publish equality outcomes. In doing so they must:

- take reasonable steps to involve persons with relevant protected characteristics and any person which appears to the listed authority to represent the interests of those persons.
- consider relevant evidence relating to persons with relevant protected characteristics.
- take reasonable steps to involve those persons and any person which appears to the listed authority to represent the interests of those persons in the process of gathering the evidence.

The EHRC has advised in its guidance that, in relation to the provision of services, it would expect to see published equality information broken down by protected group and to include:

- Performance information relating to functions relevant to furthering the aims of the duty, especially around outcomes;
- Access to services;
- Satisfaction with services; and,
- Complaints (broken down by protected group, with an indication of reasons for complaints).

There is also a duty to analyse this information. Public authorities are required to keep an accurate, dated, written record of the steps they have taken to analyse the impact of equality. <sup>25</sup>

<sup>24</sup> The essential guide to the public sector equality duty, Equality and Human Rights Commission 2011

<sup>25</sup> *The Essential Guide to the Public Sector Equality Duty*, Equality and Human Rights Commission, 2011

### 3. The Public Authorities

This report focuses on the interaction between the Roma in Govanhill and three particular public authorities: HMRC, DWP (Jobcentre Plus) and Glasgow City Council (Housing Benefit Department).

#### HMRC

HM Revenue and Customs (HMRC) was formed on the 18 April 2005, following the merger of Inland Revenue and HM Customs and Excise Department. As well as being responsible for the collection of taxes it is also responsible for administering and paying child benefit and tax credits.

HMRC is subject to both the general equality duty contained in s149 Equality Act 2010 and the specific duties contained in the Equality Act 2010 (Specific Duties) Regulations 2011.

Earlier this year HMRC published its Race Equality Scheme progress report. In this report, HMRC advised that it had five high level objectives in respect of the protected characteristic of race:

- To build an inclusive workplace for its people that is free from race barriers
- Improve the quality of its measures and monitoring data to identify barriers and inform future action including equality impact assessment of its policies and procedures
- Make it easier for customers to engage with HMRC, regardless of their race
- Ensure their procurement procedures meet race equality requirements
- Take firm action to eliminate discrimination whether internally or in relation to customers. <sup>26</sup>

#### DWP

The Department of Work and Pensions (DWP) is a government department which delivers its customer services through three operational organisations: The Pensions Service, Disability and Carers Service and Jobcentre Plus (JCP). JCP is responsible for delivering and administering services in relation to benefits such as jobseeker's allowance, income support and employment support allowance. As this is the department which the majority of our clients have the most contact with, this is the department we focused our research on.

The DWP is subject to both the general equality duty and the specific duties contained in the Equality Act 2010 (Specific Duties) Regulations 2011.

JCP has published a Race Equality Scheme for 2008-2011 which includes a Race Equality Action Plan. In their Race Equality Action Plan, Jobcentre Plus state they will:

- Contribute to increasing the employment rate of people from ethnic minorities
- Work with and support employers in realising the benefits of employing a diverse workforce
- Work with employers accessing Jobcentre Plus' services to place vacancies to ensure they are not discriminatory
- Support and deliver services to refugees
- Improve customers' experience of the accessibility, availability and appropriateness of services
- Monitor plans developed to meet the Diversity Challenge (The Diversity Challenge is an internal process designed to support JCP's compliance with equality legislation and to promote diversity good practice.)
- Diversity Impact assess all functions, policies and changes (Diversity Impact Assessments or "DIAs" are JCP's name for equality impact assessments)
- Provide the opportunity for staff to develop links with customers through working with voluntary and community based organisations
- Ensure that diversity and equality training is effectively delivered to all staff.

<sup>26</sup> HMRC Race Equality Scheme – Progress Report, 2011.

In July 2009, the EHRC carried out a formal assessment of Jobcentre Plus using its powers under s31 Equality Act 2006. This was done in response to what the Commission believed to be well founded complaints made by JCP staff in 2006<sup>27</sup> and trade union representatives in 2007 that in two specific instances policy changes had been in a disproportionately adverse effect on some staff and customers, and that JCP had not adequately assessed and monitored the impact of some of these changes on race equality. As a result of the assessment, the Commission made a number of recommendations and the DWP produced an improvement plan.<sup>28</sup> In October 2011 the Commission advised that the DWP had provided the Commission with an interim report of progress against the improvement plan at six months, and a final report after 12 months. The Commission was satisfied with the reports it received and the commitments made by the DWP to ensure that the lessons learned from the report had been acted upon.<sup>29</sup>

## Glasgow City Council

Glasgow City Council (GCC) is responsible for administering housing benefit to people living in the local authority area. GCC is subject to the general equality duty and is listed as being subject to the specific duties proposed by the draft Scottish legislation.

GCC published its Integrated Equality Scheme (2008-2011) in November 2008. This consolidated and updated the three existing schemes for Race, Disability and Gender Equality. The Integrated Scheme and Implementation Plan set out how the Council would meet the existing statutory equality duties in respect of disability, gender and race. The GCC publishes annual progress reports, the most recent one available being 2010.

Although the 2010 report covers specific council departments there is no report on how Financial Services (who administer housing benefit) have performed in relation to race equality, despite the fact that they do report on how they have performed in relation to disability equality.

Chapter 6 of this report will look at how well these three public authorities appear to be meeting their own equality objectives, as well as the general and specific equality duties incumbent upon them in terms of the legislation in relation to their dealings with Roma service users living in Govanhill.

<sup>27</sup> *Public Sector Duty Assessment of the Department of Work and Pensions through Jobcentre Plus*, Equality and Human Rights Commission, 2009, available at: <http://bit.ly/KdnuM1>

<sup>28</sup> *Equality and Human Rights Commission Improvement Plan*, August 2009. Available at: [www.dwp.gov.uk/docs/ehrc-improvement-plan.pdf](http://www.dwp.gov.uk/docs/ehrc-improvement-plan.pdf)

<sup>29</sup> See: <http://bit.ly/KdnuM1>

# Chapter Three: File Reviews

Between August and November 2011 we carried out a review of a selection of open and closed cases where clients who had identified themselves as Roma had sought advice on welfare benefits.

We identified 66 files (the file sample) where clients had experienced particularly poor treatment. We then captured specific information from the files using a *pro forma* form (see appendix 1).

We noted whether the following issues had occurred on the sample:

1. Whether an interpreter was requested and, if so, if an interpreter was provided
2. Whether there had been an erroneous refusal of benefit and the reason given
3. Whether a complaint had been made
4. Whether there had been an unreasonable delay in providing a decision
5. Whether the case had been or was being dealt with by the complex cases team/ compliance
6. Any passport issues
7. Unreasonable information requests
8. Delay implementing decision
9. Any other issues

We also noted from the sample files whether the client had experienced the following impacts related to their case:

1. Risk of homelessness
2. Destitution
3. Child poverty
4. Employment issues
5. Other

Of the 66 files, 80% of the files belonged to clients from A8 countries (53) and 20% from A2 countries (13). The A8 file sample was made up of predominately Slovak and Czech clients' files, and the A2 sample was made up entirely of Romanian clients' files.

The file sample was made up of files relating to the following benefits:

Tax Credits -	24
Child Benefit -	19
Housing Benefit -	9
Jobseekers Allowance -	8
Employment and Support Allowance -	3
Income Support -	1
Disability Living Allowance -	1
Health in Pregnancy Grant -	1

Accordingly, 67% of the file sample related to claims administered by HMRC, 20% by DWP and 14% by GCC.

We shall detail the issues identified in turn, and will present our statistics, examples, quotes from our clients and their case files, and case studies. We shall then detail other issues that were identified during the review, before detailing the impact reported to us by our clients.

## **Issue 1: Whether an interpreter was requested and, if so, if an interpreter was provided**

From most files concerning the DWP and Housing Benefit, it was not clear whether an interpreter was ever requested, offered or provided. As a matter of course, our Slovakian and Romanian speaking clients were able to access interpreters when telephoning the HMRC Tax Credits or Child Benefit Helpline if this was requested.

## **Issue 2: Whether there had been an erroneous refusal of benefit and the reason given**

53% of the cases reviewed involved clients who had received an erroneous decision on their claim.

### **Case Examples:**

- One client was sent away over four times from the local Jobcentre and prevented from applying for jobseeker's allowance because he did not have his Worker Registration documents. This was despite the fact that he was trying to apply after 30 April 2011, when there was no longer a requirement for A8 migrants' work to be registered, nor for them to have completed 12 months registered work before being eligible to apply for JSA.
- Prior to 1st May 2011, one client was refused JSA after he had completed 12 months registered work with the Worker Registration Scheme. The decision was appealed and the decision changed.
- One Romanian client was refused a Health in Pregnancy Grant. When the application was being assessed, our solicitor had the following discussion with HMRC:

*“[Caseworker] stating that the client should be registered with the Workers Registration Scheme. [Solicitor] advising that the scheme did not apply to A2 workers. [Caseworker] asking how long client had been in the country and advising several years. [Caseworker] stating that she definitely should be registered with the Workers Registration Scheme.”*  
 Excerpt from solicitor’s file note dated 10th June 2011

- A self-employed client applied for child tax credits. He was already in receipt of child benefit for his three children. He was asked for 26 separate pieces of information in support of his claim. HMRC then refused the application, saying *“you do not have a right to reside in the United Kingdom. This is because I cannot confirm that you are in genuine and effective self employment.”* Attached to the same letter, HMRC returned our client’s child benefit entitlement letter, invoices, delivery records and a national insurance contribution bill confirming proof of his self-employment.
- One client was granted employment and support allowance by the DWP on 16th March 2011, but Tax Credits Office wrote to him on 12th May 2011 advising *“because you are not working or claiming a qualifying benefit, you do not qualify for Child Tax Credits from this date”*.
- One Slovak client, who had lived in the UK since November 2007 and was in receipt of Child Benefit, was refused tax credit. In a letter dated 12 May 2011 HMRC stated *“My records show you are a Polish national. From the information I hold, you do not have a right to reside in the United Kingdom”*.
- In many of the cases reviewed, Glasgow City Council had relied on the DWP’s decision on right to reside for clients, when they are legally obliged to make their own assessment in this regard.
- In two of the files reviewed the clients concerned were not given enough time by Glasgow City Council to provide information relating to their housing benefit application before a decision was made. The minimum period allowed should be one month<sup>30</sup>, however GCC also have discretion to give clients longer if they feel it is necessary. We feel that this should often be the case for Roma clients due to the language barrier and the length of time involved in obtaining some of the information they are requested to provide. However, in our opinion, Glasgow City Council fetters its discretion in this regard, which is an action which could be subject to Judicial Review. Similarly, a client’s claim was closed without her receiving a decision despite her having provided all the necessary information.

### **Issue 3: Whether a complaint had been made**

A formal complaint was made on behalf of clients in 24% of the cases reviewed.

- One client complained after HMRC had retained her and her children’s passports for over two years. We received a response to the complaint, but HMRC denied ever receiving the passports. HMRC returned the passports to our client 33 months after they had been sent in, with no covering letter or explanation.
- One client made a Tier 1 telephone complaint in August 2011, after our solicitor was advised to do so by the Tax Credits Intermediary Helpline. When the client phoned the Tax Credits Helpline to make the complaint, the advisor tried to dissuade him. Our solicitor then interrupted the phone call to state that the client had been told to phone and make a complaint by the Intermediary Helpline. The complaint was noted but no response has been received five months later.
- Often no responses are received to complaints to public agencies.

In 100% of the cases reviewed we consider a valid complaint could have been made. However, many clients don’t want to complain as they worry complaining will affect the outcome of their case.

### **Issue 4: Whether there had been an unreasonable delay in providing a decision**

56% of the cases reviewed involved an unreasonable delay in providing a decision to the client.

- One client waited from 14 May 2010 to 3 June 2011 to receive a decision on her housing benefit appeal. Our solicitor lodged a complaint regarding the unreasonable delay, and only at this point was the appeal determined and a backdated award paid to the client.
- One client applied for Tax Credits and waited nine months before even receiving an acknowledgement of their application.
- One client added a child to his Child Benefit claim and waited 11 months to receive an updated award.
- Where one client’s claim for Tax Credits stopped without explanation, and was then refused over a year after a fresh application was submitted, the client decided not to pursue an appeal as she was so disheartened.

<sup>30</sup> Regulation 86 Housing Benefit Regulations 2006



- One client applied for jobseeker's allowance and did not receive a payment for 6 months. The client was destitute for this period, then was awarded JSA and received a backdated payment of £1701.70.

**Issue 5: Whether the case had been or was being dealt with by the complex cases team/ compliance**

This is an issue which specifically relates to child benefit and tax credits claims. The Compliance Team is a specialist team at HMRC who check claims to ensure that the information in them is correct. HMRC might decide to check circumstances after noticing a discrepancy between the claim and other information held by them or because automated processes have identified the claim to be in a group considered at risk of being incorrect. They also select at random a small number of cases for checking, but only once awards are finalised at the end of the year.

HMRC have stated themselves that they have a process of checking certain high risk claims before they are put on the system to be assessed by further upfront risk assessment, a risk assessment immediately after the first payment, and then conduct in-year checks rather than waiting until a claim is finalised. They claim that these interventions will help with the early identification of fraud.

In the files sample, 44 concerned claims to HMRC. Of that 44, 47% specifically stated the claim was being dealt with by Compliance. The true number may be higher, as many files do not specify if the claim has been allocated to a particular department or specialist team. For example, in one file where we submitted a Data Access Request to obtain our client's telephone records, we discovered that Compliance had been dealing with her claim, but the client had previously been unaware of this.

There are also references in a number of files to the following departments/teams:

- "International Section"
- "Complex Cases"
- "EEA Team"
- "Specialist Team"

Particular issues shown on compliance files were:

- Not possible for any client or advisor to telephone or fax the Compliance Team directly. We are told they do not have direct dial phone numbers or a fax number we can use. This presents barriers and delays to 100% of clients whose claims are being dealt with by Compliance. If a client wishes to speak to someone about their claim and it is being dealt with by Compliance, they are advised to leave a telephone number and they will receive a call back in 5 days. Clients often report they do not receive a call back.
- Claims that letters provided by clients from schools, GPs or employers are fraudulent and letters retained. It is very difficult to provide examples of the types of reasons why clients' applications are being referred to these teams, as often no explanation is given to the client or to us.

**Issue 6: Any passport issues**

Serious issues in relation to clients' and their families' passports were identified in 18% of the cases reviewed.

- The passports of one client and her family were held for a total of 33 months. The client called repeatedly to ask for them to be returned, but was advised that one out of the five sent in was missing, along with an ID card provided. The issue of compensation remains outstanding.
- In another case passports were lost by HMRC for a client's two children. The client's two children were taken off his claim, and he was required to obtain new passports and attend the tax credit office with these.
- One client said: *"I filled out a Child Benefit application with the help of my lawyer and sent it in on 1st March 2011. I sent in all of my children's birth certificates. These have not been returned. I am really worried about the birth certificates as these are my security."*
- Two files show HMRC requesting the original birth certificates and passports from a whole family at the same time.

*"The bank liaison team had to do a compliance based enquiry...they were now happy with the client's claim. The Compliance Officer should have authorised a payment but had not. The Compliance officer had now escalated the case so they will get a payment but it might be different from the previous payment... they could not give us a time scale".*  
Quote from solicitors file note dated 22nd July 2011.

- For one client, the Child Benefit Office held all 7 of her children's birth certificates from March until September 2011. The client was anxious to get the birth certificates back. In September, the Child Benefit Office requested passports for all children too. We wrote to the Child Benefit Office on the client's behalf, explaining the client was frightened to send passports as they were her only proof of ID left for her children. The Child Benefit Office said they must retain the original birth certificates until the passports were provided – they had to be checked at the same time. The officer said that documents would only be sent back Special Delivery if we sent them in the same way, and if we wrote "SPECIAL DELIVERY" at the top of the form in bold.
- One client made a claim for Child Benefit for his four children. His claim was refused and the client appealed. HMRC wrote to him in December 2010 saying the passports had not passed security and had been returned to the Slovak Embassy. The client insists the documents are genuine.

### **Issue 7: Unreasonable Information requests**

In 35% of the cases reviewed, we noted unreasonable requests for information from clients.

- A new lease was requested by Glasgow City Council for a housing benefit application, when the client's current lease was still valid. GCC also requested confirmation of the reason why the client's landlord had not evicted him in the lengthy period it had taken the housing benefit department to determine his claim. This is entirely irrelevant to his application, but caused further delays to receiving a final decision.
- In another file, a letter from GCC asked a client how they were going to meet the shortfall between their award and their rent. This is of no relevance to the decision-making process.
- In one file, the head teacher of a client's child's school, their GP and the client's employer all had to write directly to the Compliance Team at HMRC. The Child Benefit Office then also requested original documents, which had already been provided to the Tax Credit Office and this caused delays for both of the client's applications.
- One client received a letter from HMRC requesting 26 separate documents, including all original passports and birth certificates for the whole family.
- One client was asked to fill in five forms after submitting a Child Benefit application, many with duplicate information requests. It took two, 1 hour appointments to fill in the forms.
- In one case, 89 separate pieces of information were supplied to respond to one request, including receipts for nappies and children's clothing.

## Case Study

Mr F lives with his partner and three children. He has lived and worked in the UK for several years. Mr F works and was in receipt of Child Tax Credits (CTC). When his CTC payments stopped in October 2010 he sought advice regarding his claim. He had been advised Compliance were dealing with his case. He had sent in documentation supporting his claim but some documents had not been returned. Mr F felt he had been given contradictory information when he phoned different departments at HMRC. In Feb 2011, our solicitor phoned the Tax Credits Intermediary Helpline. The advisor said that he would send a referral to the Complex Cases Team to request that Mr F was issued with a letter advising him to provide documents regarding his children. We then assisted the client to fill out TC841 Form in March, and returned it to HMRC, enclosing supporting documentation. Mr F understood he had provided everything requested.

On 3rd May 2011 Mr F's wife phoned our office to say HMRC said they were entitled to tax credits but they could not collect the money. HMRC then wrote to Mr F on 6th May saying his claim had been selected for review and asked him to send in supporting documentation including NHS Cards for his three children, a statement of Child Benefit Entitlement, original passports and birth certificates for all five, letters from school, and "All documents that

show the place of residence of the children". Many of the documents had previously been provided to HMRC, including two letters from a local school confirming the attendance of two of his children.

Later that month, our caseworker posted 89 separate documents to HMRC including:

45 weekly payslips; a letter from his employer confirming he was employed; 2 x P605 Worker Registration Scheme documents; receipts from ASDA showing purchase of nappies, baby milk and food; and receipts from a charity shop showing purchase of clothing for the children.

Mr F phoned the Tax Credits Helpline in June 2011 and was told his 2011-2012 claim for Tax Credits had been successful and Mr F started receiving weekly Tax Credits payments. But several months later, Mr F has not received a backdated payment of more than £5,000 owed to him in respect of his 2010-2011 claim. On 28th July 2011, HMRC's B and C Compliance Operations wrote to Mr F asking again for documents showing his children's place of residence, bank books/statements and "receipts or bills for clothing/food". He had provided these documents only two months previously. Mr F provided further documentation. As at 10th December 2011, Mr F has still not received the payment he was told he was entitled to nor has he received a response to his complaint.

### Issue 8: Delay implementing decision

In 23% of the cases reviewed, further delays were experienced by clients once a favourable decision had been received on their claim. Clients often receive awards for benefits but do not receive payments they are entitled to for a number of weeks or months.

- One client was awarded Income Support more than two years after applying, by an Appeal Tribunal. However, it was another four months before the DWP implemented that decision, after our solicitor threatened court action.
- One client received a letter stating that he was entitled to Child Benefit for two children. However, after receiving this letter he was told that his original application was lost so he would have to fill out a new one before receiving an award.
- One client won a Jobseekers Allowance Tribunal in February 2011 but did not receive any payment until May 2011 as the Tribunal decision was "not on the DWP system".

### Other issues

- Glasgow City Council routinely refuses to pay interim payments to clients when their application is taking longer than 14 days to be determined. On one file reviewed, our solicitor asked GCC to make interim payments but was told the advisor "hadn't heard of" Regulation 93 of the Housing Benefit Regulations.
- Problems tracing/finding our intermediary forms: *"Advising me to resend intermediary form. Saying I had already sent it twice and telling her the dates. She said to mark in big letters at the top of the form that for Child Benefit Team. Advisor saying no notes on the system, no intermediary form. I said I had phoned twice before and I received a telephone message back from someone called Lisa. This is not noted on their system."* (From solicitor's file note).
- Being asked to provide a contact number when calling HMRC, and advised that someone would call back. However, no one ever did. This is extremely common and affects both clients and advisors.
- One client reported being told that she would receive a call back within 5 working days but no one called her back.
- In one substantial case file, HMRC did not reply to a single one of our letters, and continued sending replies to the client directly, despite us holding a valid intermediary form.
- It has been identified in a number of files that there are long periods of time where it appears that nothing is done on a claim, as no correspondence is received, and when clients/ ourselves call, helpline advisors state that no further action has been taken, giving a date in the future when it is diarised to be looked at again. For example, in one case there was no action on a file from February to September 2010.

- HMRC will only write to clients in English, despite us advising them, or it being apparent from telephone contact, that the client is unable to understand English.
- Documents are often referred to as “fraudulent” and retained with no explanation as to why this is suspected.
- One client reported that she had telephoned HMRC to notify them of a change of circumstances but the call was not logged.
- Three cases showed the self-sufficiency test had been wrongly applied in assessing the client’s entitlement to benefit.
- In one file Housing Benefit was refused on the basis of an incorrect DWP decision stating that claimant had no right to reside.
- Tax Credits asking for documents Child Benefit Office already hold.
- Forms being lost.
- Clients with no National Insurance number (NINO) have reported delays in their benefits claims being processed.
- Different standards being applied by different caseworkers. In one file, we were told by HMRC “*we do not accept NHS medical cards as evidence of registration*”. Our client was therefore required to obtain 2 GPs letters, at a cost of £60, confirming her and her child’s registration at the practice. NHS medical cards have been specifically requested by HMRC in files reviewed.

### The Impact of these Issues on Clients

In file sample, the following impacts were noted:

Risk of homelessness	20%
Destitution	36%
Child poverty	59%
Employment Issues	2%
Other	3%

While many files showed 1 or 2 impacts, 7 files showed 3 impacts. 13 files showed no impacts.

### Risk of homelessness 20%

- One client with 3 children, one of whom was less than a year old, was unlawfully evicted by her landlord due to her rent arrears. Her Housing Benefit claim had been wrongly assessed using self-sufficiency guidelines. This client and her family were forced to present as homeless and seek emergency accommodation from Glasgow City Council. Our client’s partner was then wrongly refused Jobseekers Allowance. Our client is afraid GCC will now refuse their 2nd stage appeal by relying on the DWP’s incorrect decision.
- One client’s landlord threatened him with eviction due to his rent arrears. Our client was frightened of a court case being raised against him, so he left the tenancy. He had experienced delays awaiting his Housing Benefit claim (all supporting information requested was provided on 8th June 2011 but as at 21st December 2011 the claim has yet to be decided).
- One Romanian client waited 13 months for a Housing Benefit decision, while building up significant arrears. She and her husband paid as much as they could to their landlord. Her appeal was successful after a 1st stage complaint was submitted.

- A number of clients have been threatened with eviction as a result of rent arrears.

### Destitution 36%

- One client was told there was a 16 week backlog processing her Tax Credits claim. This client was living solely on her self-employed income selling the Big Issue and had a young child.
- One vulnerable client slept on the street as a result of losing his accommodation.
- One client with 7 children was evicted from her home and had to sleep on the floor of a family member’s home.

### Child Poverty 59%

- Three clients with children were living solely on Big Issue income.
- One client with a partner and one child living on Child Benefit payments alone.
- Several files show lengthy periods where families are receiving no benefits at all for their children. One client with 2 dependent children applied for Child Benefit on 25th August 2010 and has waited more than a year for the claim to be assessed.

### Employment issues

- Employer producing fraudulent payslips to avoid paying client National Minimum Wage. Consequence was client deemed ineligible for benefit as he could not demonstrate he had worked sufficient hours to be entitled.
- A self-employed client could not afford to pay his National Insurance bill after his Child Tax Credit claim was refused.

### Other impacts

- Client whose passports were retained by HMRC for 33 months was unable to travel to the Czech Republic to visit sick relatives.
- 2 clients reported they had fallen into debt whilst waiting for their benefits claims to be processed.

# Chapter Four: Data Subject Access Requests

We made a number of requests on behalf of our Roma clients under section 7 (1) of the Data Protection Act 1998 to receive all personal information held by certain public agencies. We did this in order to attempt to gain an insight into the way in which our Roma clients' claims were being administered by these agencies and to identify any potential breaches of the Equality Act 2010, and in particular s149, made by these agencies when dealing with this particular group of clients.

We wrote to a number of clients, identified via the file reviews, who it appeared had encountered problems when accessing welfare benefits administered by these agencies and asked them to attend a surgery to sign the relevant mandates required to request this information.

## Requests to DWP (Jobcentre Plus)

Following the surgery, we made requests to the Department of Work and Pensions (Jobcentre Plus) for all personal information held about these clients, who had issues when applying for benefits with them. The DWP provide their own form for such requests and these were completed by the clients. Bodies receiving requests under the 1998 Act have 40 days to provide the data requested<sup>31</sup>. At the date of publishing this report, we had received no responses to these requests, despite a further reminder letter being sent almost three months after the first. We therefore intend to make a complaint to the Information Commissioner for this breach of the 1998 Act.<sup>32</sup>

## Requests to Glasgow City Council

We also intended to make a number of data subject access requests to Glasgow City Council on behalf of clients in relation to the administration of their Housing Benefit. However, Glasgow City Council will not consider such a request without their own form being completed and submitted with two types of ID, and the clients involved did not bring in the two forms of ID required to allow us to send the requests away. However, we have noted that the Information Commissioner's guidance states that there should be no particular style of request required by these agencies<sup>33</sup>, and we consider Glasgow City Council's requirement for this particular form along with ID as an unnecessary barrier to obtaining the information. In addition, this requirement may be a breach of the Equality Act itself, as it may disproportionately adversely affect Roma clients who often have their passports and ID held by HMRC or other agencies for significant periods of time and may not therefore be able to comply with this provision. We intend to report Glasgow City Council to the Information Commissioner.

## Requests to HMRC

Following our surgery, five requests were made under the 1998 Act for personal information to HM Revenue and Customs for some of our clients who had experienced problems when applying for Tax Credits or Child Benefit. In three of the five cases we received both audio and paper copies of the clients' personal information. However, for one client, we only received her paper information, and for another, no personal data was received at all within the 40 day time limit. We therefore wrote again over two months later, requesting the missing information. We are yet to receive a response to this letter. Again, we intend to make a complaint to the Information Commissioner.

When perusing the information received from HMRC, it was noted that the documents provided did not include copy letters sent to clients. It is hard to believe that no record is kept of the correspondence sent to clients. Copy correspondence held on a computer would clearly fall within the definition of personal data in the Data Protection Act and therefore ought to have been provided.<sup>34</sup>

A glossary of terms was provided by HMRC aimed at making the information provided easier to understand. However, many terms and codes used throughout the records sent to us were not included in the glossary of terms, making it very difficult to understand the notes about calls and contact with clients. In our opinion the information provided by HMRC was not in "intelligible form" as required by the 1998 Act.<sup>35</sup> For example, the expressions "section 17", "RLS signal" and "list 49 claim exists" are all commonly used within the information provided, but no explanation is given as to what these phrases mean. We intend to make a complaint to the Information Commissioner about this.

<sup>31</sup> Section 7 (10) Data Protection Act 1998

<sup>32</sup> The Information Commissioner's Office was set up to "uphold information rights in the public interest, promoting openness by public authorities and data privacy for individuals". ([http://www.ico.gov.uk/about\\_us.aspx](http://www.ico.gov.uk/about_us.aspx)) They rule on complaints, provide guidance on the relevant regulatory framework and take appropriate action where the law is broken.

<sup>33</sup> See <http://www.ico.gov.uk/>

<sup>34</sup> Section 1(1) Data Protection Act 1998

<sup>35</sup> Section 7(1)(c) Data Protection Act 1998

A further complaint will be made to the Information Commissioner regarding the fact that no information was received relating to the Compliance Department's investigations, where clients' cases had been passed to them. Although it is understandable that some of this information may be exempt from section 7 of the 1998 Act <sup>36</sup>, it is hard to believe that **none** of the reasons why cases were passed to Compliance, nor details of the actions taken by this department, could be provided. It is apparent that the procedures put in place by these bodies for providing personal information under the 1998 Act are poor, and do not assist clients who have had problems accessing services and wish to view their files to find out how this has happened. It is our view that this disproportionately causes a barrier to Roma clients, who are more likely to encounter problems when accessing these services.

#### **Information recovered from the data subject access requests**

The most concerning thing we discovered from this exercise was that of the four files recovered from HMRC, all had been referred to the Compliance Team. The Compliance Team is a special team at HMRC who check claims to ensure that the information in them is correct. HMRC might decide to check circumstances after noticing a discrepancy between the claim and other information held by them or because automated processes have identified the claim to be in a group considered at risk of being incorrect. They also select at random a small number of cases for checking, but only once awards are finalised at the end of the year. <sup>37</sup>

HMRC have stated themselves that they have a process of checking certain high risk claims before they are put on the system to be assessed by introducing a further up-front risk assessment, a risk assessment immediately after the first payment, and then conduct in-year checks rather than waiting until a claim is finalised. They claim that these interventions will help with the early identification of fraud. <sup>38</sup> It is therefore highly concerning that all of our client's claims had been referred to the Compliance Team. Given that only a small number of cases are randomly selected it appears unlikely that all of our clients were selected randomly. The files recovered did not indicate any discrepancy between the claim and other information held. In fact, the files did not indicate why the claims had been referred to Compliance at all. We are concerned that HMRC may have identified claims made by Roma, or by migrant workers in general, as being of a group considered of being "high risk". The process described above for dealing with high risk claims is very similar to the way our clients' claims appear to have been dealt with. The only common similarity with our clients was the fact that they were Roma, Slovak or Czech

and migrant workers. Our concern that this is the case is intensified by some of the notes in the files recovered through the data subject access requests and also by HMRC's reluctance to provide all the personal data held on clients and a full explanation of their internal codes. If this is the case, it is the authors' opinion that this would be discriminatory treatment of the Roma.

References to "fraud" and "fraudulent documents" appear frequently throughout the files we recovered through data subject access requests. However, the reason why the claimant is suspected of having committed fraud or why the documents are suspected to be fraudulent is never fully explained.

#### **Specific Client Examples**

On the opposite page are some case studies prepared from the information received from HMRC.

<sup>36</sup> Exemptions are provided for in Part IV of the 1998 Act

<sup>37</sup> Child Poverty Action Group in Scotland Tax Credits Project Factsheet 4: Tax Credits Checks. Available at [http://www.cpag.org.uk/scotland/taxcredits/tax\\_credits\\_checks\\_4.htm](http://www.cpag.org.uk/scotland/taxcredits/tax_credits_checks_4.htm)

<sup>38</sup> H M Revenue & Customs Reducing Error and Fraud in Tax Credits 2008

## Mr A.

The client's original application was made on 14 August 2006. It was sent immediately to Compliance. From the notes dated 16 October 2006, it is evident that there is a special "A8 team" dealing with his case. This confirms our suspicion that the A8 team is part of Compliance (notes read: "PREV NOTES PA \*\*IA06 – CZECH A8 CLAIM REC'D 14/8 NAT RULE SAT APP A8/467844. IF CHANGE OF EMP/NEW CHILD/COC REC'D DON'T PROC – SEND TO A8 TEAM MU298432 TCO/G9/TD 21/9/06\*\*. 16-10-06 CB NO T&M. T2PRETWIGUILD/JI") It is noted that the client is automatically prevented from changing his personal details without this team being consulted. His first payment was to be made on 20 October 2006, a delay of just over two months.

No payment details are provided from 2006 until 2009. However, it appears from some of the notes that the client's application was again passed to Compliance, and remained there for this period, with payments being suspended. The notes are very limited state simply that the application had "ceased" on the following dates: 21/08/07, 27/11/07, 11/12/07, 20/12/07, 18/03/08, and 27/06/08,

but there are absolutely no notes as to why. On these dates there is also an Alert of "Compliance Termin", but no explanation. There is one note that the client called during this period (16 May 2008) to query why he was not being paid, as he had sent in documents three weeks prior. There are also notes of the client calling in July 2008, and it appears that the client was passed back and forth between Compliance and the main helpline. The client tried to change his employment details and this was passed straight to Compliance. It seems that the client's claim was eventually terminated on 4 October 2008, although again no information has been provided indicating why.

The client made a new application, and it appears that he received his first payment on 9 June 2009, including a backdated payment. The client has been in receipt of Tax Credits since then, although it is noted that there have been other issues with Compliance, namely "suspected fraudulent documents and employment details", although in keeping with previous Compliance referrals, no further notes are given.

## Ms B.

Ms B originally applied for Tax Credits on 18 May 2009. The notes state that her application was rejected, but give no reason why. The application was been referred to the Risk Team; however, no details are provided as to why. Various codes are used (UZ63, SIP and BCR for example) which are not explained in the explanatory notes.

Another application on 21 January 2010 is rejected. On 11 February 2010 the claim is reviewed, and again it is not very clear from the language used, but it appears that further information is required about the applicant's child.

There is another note on 25 March 2010 stating that the claim is rejected. Under rejection reasons it states "X Credits only". On 26 April 2010, it states that the claim has been "compliance rejected", again with no reasons as to why. It was rejected again on 19 May 2010 for compliance and again on 5 August 2010 with no reason given.

The notes on 18 November 2010 show that the claim is "under enquiry", although it is still noted as rejected. The next piece of action on the file is investigations for fraud on 8 December 2010, with no reasons given why fraud is suspected.

No sound recordings were provided by HMRC for this client. However, she and her partner called the Tax Credits Helpline on numerous occasions.

The applicant has been waiting over a year and a half for her Tax Credits claim to be determined.

## Mr C.

Some of the notes in the information received about this client are very worrying. In March 2007, where an out of payment referral was made to the "Movements" Section, the notes are as follows:

*"We have had apps claim since 27-09-2006, no note to state why has not been processed. However in verifications screen there is no verifications but compliance signal is showing no clear reason on notes as to why."*

It is concerning that advisors are not even aware what is causing the considerable delays to the client's application, or why it has been referred to Compliance. It is also unacceptable that we see from the call notes that advisors are unable to give the client a timescale of when Compliance will finish looking at his claim, and they are unable to give him any updates. From the evidence in the notes there appears to be no communication between different departments dealing with a client's claim, and that claims are left for long periods without any action being taken.

The client had three rejected applications (16 February 2011, 13 September 2010 and 27 September 2006). As with the other case studies, there are generally no rejection reasons given within the application summaries, and there are indicators that applications have been terminated for compliance, again with no explanation.

There are references to a "Foreign Documents Team" within the notes, and that the client's documents have been retained by them, but no details of why or if they will ever be returned. There is also reference in the applicant's notes about the client being an A8 National, and that his application is to be automatically referred to the "A8 Team" if a change of employment or addition of children is made. It is unclear why the client's claim should automatically be referred to a specialist team when making a change of details, only by virtue of his nationality.

## Mr D.

In Mr D's case, as with the other cases we reviewed, numerous times his claim was terminated by Compliance with no explanation given as to why in the space allocated for rejection reasons.

Alternatively, the reasons for termination may be very vague, such as "not satisfied that you meet the entitlement conditions", without any further specification of why.

It is interesting to note that when Mr D's original claim was received in 2006 by HMRC, the notes state that "A8 CLM REC'D 14-03-06 NATNLTY RULE SATISFIED A\*/129679- IF CHANGE OF EMPT/NEW CHILD REC'D DO NOT PROCESS – SEND TO A\* TM MU 290698 JP 24/03" Again, we are unsure how HMRC can identify that a client is an A8 national from their application, given that this question is not asked specifically. Also, it again seems that extra suspicion is placed on an applicant who wishes to change their details, and they must go through further procedure, merely because they are an A8 national.

The notes also confirm that Mr D's claim was passed to the "Migrant Worker Team" by Compliance in June 2009 "due to issues with the number of adults and children showing at the address". It is not specified what these issues are. It is also not clear whether the "Migrant Worker Team" is a part of Compliance, or a separate department. We are unsure whether this team is the same team as the A8 Team previously mentioned. This is something which we intend to ascertain by making Freedom of Information requests to HMRC. The same notes also show that sending the client's case to this team has caused delays, as "no action has been taken following referral to MW Team". The client would be unaware of why these delays were being caused, as the notes from Compliance instruct advisors "under no circumstances should app be advised" that the case has been referred.

In our opinion, some of the language used in the notes could also indicate an element of inherent discrimination on the part of HMRC advisors. For example, following a visit to a Tax Credit Office by Mr D, the advisor writes that "He claims his wife is still to obtain NINO FR JSP". This infers that she does not believe him, but does not give any valid explanation of why.

## Information Received by Way of Audio CD

As the 1998 Act requires all personal information to be provided by data controllers, call recordings stored by HMRC are included and were required to be sent by them.

One of the first things we noticed about the call recordings received was that the covering letter often stated that "any of the calls listed in the enclosed schedule but not included on the CD (s) are calls which we have been unable to retrieve for technical reasons." This may make it difficult for clients to dispute the contents of calls, this being especially serious where there are compliance issues or where allegations of fraud have been made against clients.

On many occasions it is apparent when a client calls the helpline that English is not their first language, and that they would benefit from an interpreter. However, on the majority of occasions in the calls listened to, no interpreter is offered. On more than one occasion, clients actually state that they don't understand, and still no interpreter is offered by the advisor. Many times calls are cut off, either by the advisor or the client due to frustration which could be easily remedied by the use of an interpreter.

Often the language barrier between clients and the HMRC advisors can cause errors in clients' applications meaning unnecessary delays. For instance, misspelt names/words can occur and when a client calls back and fails security the application is then referred to Compliance, meaning their payments may be suspended. This can also cause delays if documents sent in to verify details have correct spellings, as the documents may be retained, or another referral might be made to Compliance. Examples we heard and saw were Lubomira being noted as Cubomira, Eduard becoming Edward, and a client's address being noted as West Moleland Street rather than Westmoreland Street. Another similar issue which relates to many A8 clients is that surnames in the same family might be different depending on the applicant's gender. For example, Gombar for a male would be Gombarova for a female. In one case a male client was adding his daughter to his claim and due to a miscommunication the HMRC advisor also changed his surname to the female version. The advisor's ignorance of the client's culture can cause problems for them.

There are also examples of calls where advisors have been rude and ignorant towards clients calling the helpline, particularly where they are struggling to pass security. In one call, where a client asked for an interpreter, the advisor immediately asks: "Could you at least give me your National Insurance number please?" This is trivializing the client's need for an interpreter and disregarding the fact that the client may not even be able to do so. Also, on one occasion, where a client was calling to query about his payments, as he thought they were too low for having four children, the advisor was dismissive of his question stating through the interpreter that the amount is correct and stating, "I mean we're paying £10,200 a year to him, so that's quite...you know...". Here the advisor appears to be making a value judgement about the client's claim.



# Chapter Five: Interviews and Surveys

## Client Surveys/Interviews

In order to gauge our Roma clients' experience of dealing with public authorities we carried out some interviews with our clients where we asked them a number of questions. We also asked Crossroads Youth and Community Association's Roma Advocacy Support worker to interview some of their clients. Altogether 10 responses were received.

The questions were framed around the s149 general equality duty and were designed to highlight any apparent breaches of that duty. A copy of the survey questions can be found at Appendix 2. When formulating percentages we rounded up or down to the nearest whole number. This means that in some cases the totals add up to 99% rather than 100%.

We asked the participants whether they had been in any dealings with HMRC, Glasgow City Council or Jobcentre Plus. We then asked them what type of contact they had been in – face-to-face, telephone, written, or other.

100% of those who answered had been in contact with HMRC, 90% had been in contact with Jobcentre Plus, and 90% had been in contact with the GCC housing benefit department.

### Type of contact

Of those who had contact with HMRC: **30%** of had face-to-face contact, **100%** had telephone contact and **50%** had written contact.

Of those who had contact with Jobcentre Plus: **89%** had face-to face contact, **56%** had telephone contact and **11%** had written contact.

Of those who had contact with GCC: **89%** had face-to face contact, **67%** had telephone contact and **56%** had written contact.

### Experience

Of those who had dealings with HMRC, **22%** described their overall experience as very poor, **11%** as poor, **33%** as satisfactory and **33%** as good.

Of those who had dealt with Jobcentre Plus, **78%** described their overall experience as very poor, **11%** as poor and **11%** as good.

Of those who had been in contact with GCC(Housing Benefit Department), **11%** described their experience as very poor, **11%** as poor, **22%** as satisfactory, **44%** as good and **11%** as excellent.

### Discrimination, harassment and victimisation

**70%** of respondents stated that when dealing with these public authorities they felt discriminated against, **70%** said they felt harassed, and **30%** said they felt victimised.

Examples that were given included:

- Felt that they were overlooked
- No interpreters offered
- People dealing with them did not have a good attitude
- Job search not accepted
- Did not believe information client gave
- Language barriers
- Rude behaviour
- Sent away – didn't want to talk to them
- Didn't believe that client wanted to work
- Intimidating behaviour from Jobcentre Plus staff

### Equal Treatment

**70%** respondents felt that they were treated differently when dealing with these organisations than people of other races in Scotland. They felt that they were treated differently because of the difficulties with language. They said that providing interpreters would help them to feel they were being treated more equally with other races. Several respondents specifically mentioned the local Jobcentre Plus and advised that members of staff there displayed a significantly different attitude towards "foreigners". Several of the respondents specifically stated that they felt members of staff at the local Jobcentre Plus were racist.

One survey respondent suggested that there should be an opportunity for service users to provide feedback on the treatment they received from public authorities.

## Good Relations

Encouragingly, **89%** of respondents said they felt that they had a good relationship with other races in the community, although one of the respondents noted that they did not communicate much with people of other races.

The respondents did, however, feel that the public authorities mentioned could improve relations between them and members of other races in their community by improving communication and being more responsive to individuals' needs.

## Community Organisations Surveys

In addition to surveying clients, we also distributed surveys to a number of people in partner organisations who work with the Roma community. Again these surveys asked for information on the type of contact the worker and their clients had been in with each of the three agencies and then asked general questions framed around the s149 duties. We had responses from 6 partners. A copy of the survey questions can be found at appendix 3.

### Contact

Of the 2 agencies that responded, **67%** had direct contact with HMRC and **67%** had clients who had been in contact.

**50%** had been in direct contact with Jobcentre Plus and **83%** had clients who had been in contact.

**80%** had been in direct contact with GCC housing benefit and **80%** had clients who had been in contact.

Of those who had been in contact with HMRC, **33%** had been in face-to-face contact, **83%** had been in telephone contact and **17%** had been in written contact.

Of those who had been in contact with Jobcentre Plus, **67%** had been in face-to-face contact, **100%** had been in telephone contact and **33%** had been in written contact.

Of those who had been in contact with GCC, **60%** had been in face-to-face contact, **100%** had been in telephone contact, **60%** had been in written contact.

## Experience

**17%** rated their clients' overall experience of contact with HMRC as very poor, **33%** as poor and **50%** as satisfactory.

**33%** rated their clients' overall experience of contact with Jobcentre Plus as very poor, **50%** as poor and **17%** as satisfactory.

**20%** rated their overall experience of contact with GCC as poor, **60%** as satisfactory and **20%** as good.

## Discrimination, harassment and victimisation

**100%** felt that their clients had been discriminated against **67%** felt that their client had been harassed **100%** felt that their clients had been victimised

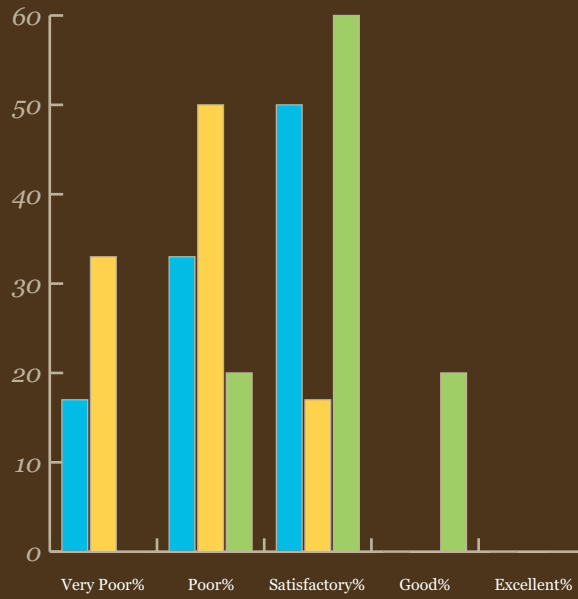
Examples given include:

- Clients being treated differently to other claimants and having additional requirements made of them in order to progress claims.
- Presumption of fraud and a lack of cultural or social understanding.
- When challenged, the public authorities are unwilling to disclose information as to why they are treating these clients differently and/or deny that any such discrimination is taking place.
- Unacceptably lengthy delays in progressing claims.
- Refusal of benefits/tax credits to which the claimant is entitled on the basis of apparent misapprehensions and a failure to use information technology which could resolve some of the verification issues.
- General climate of suspicion not based on the actual individual but simply due to ethnicity.
- General initial climate of mistrust.
- Arrogant expressions, hanging up phones without a reason, racist comments.
- Refusal to book interpreters.
- Roma clients having their benefits sanctioned on the grounds that they are not actively seeking work because they are unable to complete their job diaries to the standard required due to the fact that they are unable to read or write in English.

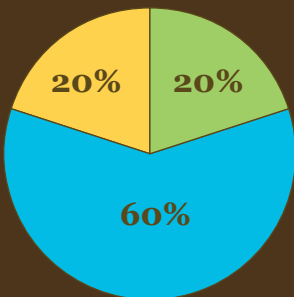
One respondent advised that she herself often felt harassed when dealing with these agencies on behalf of clients. She stated:

*"I have also experienced that the compliance officer who directly dealt with client's Tax Credits claim expressed her personal view of the community, saying that she knows what the Govanhill community in Glasgow is like and she does not believe what I say on behalf of the client (this was my experience in the beginning of 2010)."*

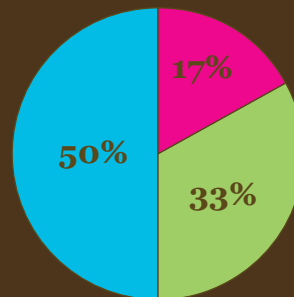
### Community Organisations Experience



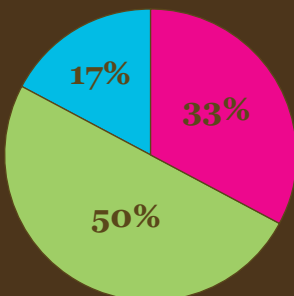
### Community Organisations Experience



**GCC**



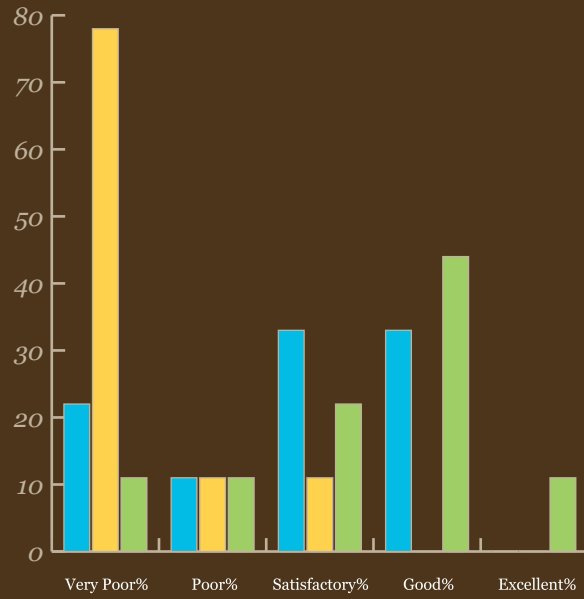
**HMRC**



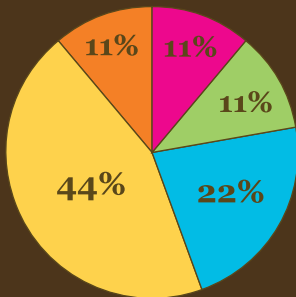
**Job Centre Plus**



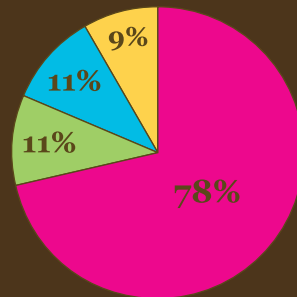
**Client Experience**



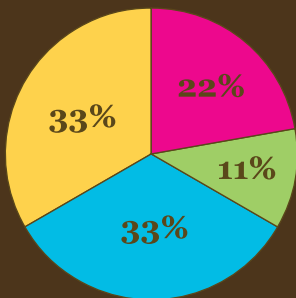
**Client Experience**



**GCC**



**Job Centre Plus**



**HMRC**



## Equal Treatment

**100%** of respondents felt that their Roma clients were treated differently than people of other races.

Examples include:

- Documentation presented in support of benefit/tax credits claims seems to be routinely treated on the presumption that it is false or forged. As such, when claiming tax credits, rather than the normal route whereby an initial award is made on the basis of information provided which is only then checked at the end of the tax year, no such initial award is made and claims are immediately subject to verification processes leading to long delays and indicating a presumption of fraud.
- There seems to be a society-wide attitudinal issue of mistrust and suspicion of criminal intention, not based on the individual but more to do with perceptions of the Roma community as a whole.
- Clients being told by Jobcentre Plus that if they do not bring an interpreter with them they will not be allowed to sign on.
- Clients report that they have not been allowed even to get through reception/security guard at the door entrance in Jobcentre Plus. They have been told to go away unless they have someone with them who can interpret.
- Issues with the Jobcentre and benefits sanctions – clients having their benefit sanctioned on the grounds that they are not adequately looking for work or recording it accurately because Jobcentre Plus has very little provision to cope with the language barrier.
- The HMRC Manual is heavily redacted in sections about A8 claimants – there is a complete lack of transparency in how they deal with claims from minorities such as the Roma.

Suggestions of what the public authorities involved could do to make Roma clients feel more equally treated included:

- Training in cultural sensitivity and understanding of the socio-political context in the country of origin of Roma communities
- A clear presumption of innocence until proven otherwise
- Better guidance for staff dealing with documentation originating outside the UK
- Better communication and verification processes established with public authorities in other European nations from which Roma communities might originate
- To judge the individual on their merits and not based on pre-conceived ideas
- More transparency and support
- The creation of some sort of feedback system for any issue dealt with over the phone, personally or in writing.
- Setting out the basis on which interpreters will be offered/can be requested. It should be very clear when and for what purpose interpreters are needed and how they can be obtained.

## Good Relations

Opinion was split on this issue with 50% of those who answered stating they felt that Roma clients have a good relationship with other races in the community and 50% stating that they did not. A third of respondents felt unable to answer this question.

Of those who said that Roma clients did not have a good relationship with other races in the community, they stated that they believed that Roma are viewed and spoken of unfavourably by most other sections of society and that the wider community blames the Roma community for not maintaining their properties and for various other issues. Those who answered that the Roma did have a good relationship with other races in the community mentioned that they felt relations and integration were both improving and that a lot of progress had been made in this regard.

When asked what public authorities could do to foster good relations between Roma and other races in the community, one respondent suggested:

*“Directly engaging with the Roma community”.*

## Other Issues

One of the respondents pointed out that the tax credits claim form used by HMRC should not be able to identify whether someone is Roma, or indeed from an A8/A2 country. The form simply asks in the personal details section if someone is a ‘Person Subject to Immigration Control’ which for Roma from EEA nations will answer “no”. The next question is ‘do you usually live in the UK?’ – if someone has moved to the UK with settled intent for the time being then the answer should be “yes” and this should be sufficient given that the habitual residence/right to reside tests apply. The only way in which the person’s nationality could be picked up was on the equality monitoring form. Yet it was clear from the information collected through our data subject access requests that clients had been identified as being A8 nationals. How did HMRC know?

## Observations:

It was interesting to note that the community organisations’ opinion of their Roma clients’ experience dealing with the three public authorities was more negative than the Roma clients themselves. However this may be explained by the fact that the Roma have no direct experience of how people of other races are treated by these public authorities and therefore no comparator. On the other hand, the partner organisations have experience of advising both Roma and non-Roma clients and were therefore able to distinguish between the way Roma clients and non-Roma clients were treated.

# Chapter Six: Analysis

Reviewing the information gathered through the file reviews, data subject access requests and interviews we made the following observations about each of the public authorities and their compliance with the equality duty.

## HMRC

### 1. Duty to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

The results of our data subject access requests showed that HMRC seemed to be discriminating against Roma clients in a number of ways:

- Cases referred for no reason to “A8 team”/“Migrant Worker Team” which appears to be a part of the Compliance section. The results of our file reviews showed that 44% of the files concerning applications to HMRC had been referred to Compliance but these were only the cases where the client was aware that their case had been referred to Compliance and it is possible that many of the other cases had at some stage been referred to Compliance without the client being aware of it. **All** of the data subject access files we managed to obtain revealed that the clients involved had been in their applications referred to compliance. This suggests that it may happen to all people from A8 countries and reinforces the impression that many of the respondents to our survey held that there is a presumption of fraud amongst Roma people who have additional requirements placed upon them before their claims are progressed.
- Repeated mentions of the word “fraud” with no explanation as to why the client was suspected of having committed fraud. There appears to be a culture within HMRC to treat any document produced by a Roma client as fraudulent until proven otherwise rather than vice versa. Without providing an adequate explanation of the basis of their suspicions, the client is denied a fair opportunity to answer any allegations.
- Lengthy delays in progressing the claim- our research showed that many clients had been waiting well over a year to have their application determined.

- Lack of clarity as to how the claim was being dealt with. As all the cases in relation to which we received audio recordings had been referred to compliance the advisors on the telephone helpline were able to give out very little information. It was also concerning to note entries in the files recovered, instructing HMRC staff not to disclose information to the client if they called. Another concern was the lack of information provided through the data subject access requests regarding the work that had been carried out by the Compliance Team.
- Cases of Roma people being treated in a substantively different manner to those cases for people of other races.

The majority of the Roma clients we interviewed and all the community organisations we interviewed felt that Roma clients were discriminated against. Many also felt that they were harassed and/or victimised. 100% of the people working with the Roma community stated that their Roma clients were treated differently than people of other races.

On the basis of the evidence summarised above, HMRC appear to be failing to have due regard to the need to eliminate discrimination, harassment and victimisation against the Roma community. Their own practices discriminate against the Roma by subjecting them to different, unnecessary processes to others applying for tax credits. There appears to have been no consideration given as to how these practices would impact on the Roma community. HMRC staff do not routinely offer interpreters to clients who are clearly struggling to be understood and at times their manner is inappropriately judgemental.

## **2. Duty to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**

A recurring issue in the file reviews, audio recordings and interviews was the communication difficulties clients faced because of their limited English. In order to advance opportunity between non English speaking Roma and those who speak English, interpreting services should be provided. Whilst HMRC does have access to interpreting services via the Big Word a significant proportion of Roma clients were not offered an interpreter. The recordings obtained of conversations between HMRC representatives and clients reveal that many clients struggle to communicate in English but are not offered an interpreter. The recordings reveal that interpreters were only provided if specifically requested. Many clients are not aware that the provision of an interpreter is available and will therefore not ask.

As discussed in Chapter 2, the duty to advance equality includes a duty to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low. By subjecting Roma claimants to significant delays in processing their claims and asking them to provide a large number of documents from their employer, HMRC are creating barriers to the Roma community accessing employment. It is very difficult for them to maintain jobs, travel to and from work etc. when they are experiencing severe financial difficulties, often bordering on destitution, due to the delay in paying them benefits which are required in order to sustain a minimum level of subsistence income. Demands for information from their employer can damage the employment relationship and may cause an employer to consider that employing Roma workers is not worth the additional administrative burden. Levels of unemployment within the Roma are worryingly high across Europe and it is therefore especially important that the Roma are encouraged and assisted to access employment in the UK.

Surveys carried out with advisors show that they all observed that Roma clients were not treated equally to people of other races by HMRC. Examples included:

- Requiring them to provide unnecessary information not requested from others
- Longer waiting times than for others
- Lack of information on what was happening with their claim compared to more detailed information given to others on the enquiry helpline.

A number of respondents indicated that this treatment perpetuated the myth that Roma people were perpetrating fraud and served to reinforce mistaken beliefs in that regard.

## **3. Duty to foster good relations between people who share a protected characteristic and those who do not**

The surveys demonstrated that there is a widespread impression that HMRC is failing to foster good relations between Roma clients and other races. The apparent presumption that claims from Roma clients were likely to be fraudulent perpetuated myths that the Roma community was dishonest and likely to engage in criminal activity. One respondent answered:

*“The problem, I suspect, is that the demonisation of this ethnic group has become acceptable and therefore people working for statutory agencies seem to be conditioned with the same prejudices. Unfortunately this prejudice and suspicion has become widely seen as acceptable.”*

Another stated:

*“By treating Roma as if they are trying to take advantage of/[defraud] the system, they are contributing to prejudicial and discriminatory attitudes in the wider public and also to poverty/destitution. If Roma are not treated in this way by public authorities this will help not reinforce negative [stereotypes] and attitudes.”*

## HMRC's own Equality Strategies

As mentioned in Chapter 2, HMRC has five high-level objectives in respect of the protected characteristic of race. Our research indicates that, in relation to the administration of tax credits and child benefit to the Roma community in Govanhill, HMRC is failing to meet three of these:

- **Improve the equality of its measures and monitoring data to identify barriers and inform future action including equality impact assessments of its policies and procedures** – HMRC is clearly failing to carry out thorough equality impact assessments (EIAs). As indicated earlier, it failed to pick up on the obvious disadvantage certain racial groups would face at the introduction of new policies in relation to homes of multiple occupancy. Further, one of the respondents to our survey, Child Poverty Action Group in Scotland, advised us that they had responded to an HMRC consultation in relation to an EIA of changes introduced to telephone security. This consultation highlighted the many ways in which the new system put non-English speakers at a disadvantage. One of the main criticisms of HMRC was that they only carried out the consultation after they had introduced the policy.<sup>39</sup> This is a clear example of rear guarding and failing to properly give “due regard” as required by law.
- **Make it easier for customers to engage with HMRC, regardless of their race** – This is clearly not being done. As previously mentioned, an issue that came up time and time again, in surveys, file reviews and upon reviewing the audio recordings provided through the data subject access requests, was the failure to offer an interpreter to clients who quite evidently had difficulties communicating in English.
- **Take firm action to eliminate discrimination whether internally or in relation to customers** – Our research identified a number of instances of discrimination against “customers” (our clients) and there is no evidence that any action at all is being taken to eliminate this. On the contrary, HMRC appears to be knowingly operating discriminatory practices without any qualms or intention to rectify the situation.

## DWP (Jobcentre Plus)

### 1. Duty to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

Our surveys showed that many Roma clients and their advisors felt that they were discriminated against by Jobcentre Plus. Roma respondents advised that staff at the local Jobcentre Plus were rude and often turned them away without assisting them. This position was confirmed in the results of the surveys of people working with Roma clients. There were numerous reports that one particular Jobcentre Plus dealing with a large number of Roma in Govanhill was notoriously difficult to deal with and that staff were rude, racist and judgemental. There were reports of Roma clients being told that they did not want to/were not able to work and refusals to assist them with job searches.

Again, as with HMRC, problems frequently arose with communication and the availability of assistance from an interpreter.

One of the respondents to the Community Organisation Surveys stated:

*"At point of initial contact there is not nearly enough language support from the Jobcentre. I think Jobcentre [Plus] have a duty to provide language support. Roma clients have to scramble around to find a friend or advice worker who can accompany them to their appointment and interpret. They often have to rely on someone else and this has an impact on their privacy."*

In addition, there were numerous accounts of clients being given incorrect information at their local Jobcentre Plus – often being wrongly told they were not entitled to any benefits due to their nationality. This appears to be due to a lack of understanding by Jobcentre Plus staff of the relevant legislation regarding the habitual residence and right to reside tests. As a result of this lack of training, Roma clients are being discriminated against by being refused the assistance to which they are entitled. The failure to ensure that relevant staff in areas of significant Roma population have the requisite knowledge to give correct advice to Roma clients is clear evidence of a breach of the public sector equality duty.

<sup>39</sup> HMRC final report and action plan for the Identity Authentication Service, available at [www.hmrc.gov.uk/consultations/final-idas-eqia.pdf](http://www.hmrc.gov.uk/consultations/final-idas-eqia.pdf)



There is therefore a body of evidence to indicate that Jobcentre Plus is failing to have due regard to the need to eliminate discrimination, harassment and victimisation. Indeed, it appears that many of its own staff are responsible for such behaviour themselves. There were reports of significant delays in processing claims from Roma clients waiting to receive a decision. One respondent blamed unacceptably lengthy delays in progressing claims and the refusal of benefits/tax credits to which the claimants were entitled on the apparent misapprehensions discussed above and a failure to use information technology which could resolve some of the verification issues.

The overwhelming opinion revealed by the surveys was that Jobcentre Plus discriminated against Roma clients and that measures should be taken to eliminate this discrimination.

### **2. Duty to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**

As with HMRC, a recurring issue revealed by the file reviews and interviews was communication difficulties clients faced because of their limited English. In order to advance opportunity between non-English speaking Roma and those who speak English interpreting services should be provided but the evidence suggests that the local Jobcentre Plus routinely refuses to provide interpreters.

Jobcentre Plus is ideally placed to encourage Roma participation in public life by assisting them into the labour market. However Roma clients interviewed reported that their local Jobcentre Plus had not been interested in helping them find work. One respondent reported being told that he was not willing/able to work and was refused assistance applying for vacancies.

### **3. Duty to foster good relations between people who share a protected characteristic and those who do not**

In treating Roma clients differently from other races – in particular by acting as though they were incapable of or unwilling to work – Jobcentre Plus perpetuated unfounded myths about the Roma and contributed to ill feeling in the community.

### **DWP (Jobcentre Plus)'s own Equality strategies:**

As discussed in Chapter 2, Jobcentre Plus has a number of goals outlined in its Race Equality Action Plan. Our research indicates that it is failing to meet several of these:

- **Contribute to increasing the employment rate of people from ethnic minorities** – There was overwhelming evidence from our survey respondents that the local Jobcentre Plus was a major source of concern and was routinely failing Roma clients. Several respondents noted that the Jobcentre Plus were not interested at all in assisting Roma clients seek work, with one respondent reporting that he had been told he wasn't willing to work.
- **Improve customers' experience of the accessibility, availability and appropriateness of services** – The survey responses indicated that there were real barriers to Roma clients accessing services at the local JCP. Specifically there appears to be routine refusals to provide interpreters with clients having to rely on friends/family members, whose English is not much better than their own, to interpret for them.
- **Ensure that diversity and equality training is effectively delivered to all staff** – The survey responses all concerned one particular Jobcentre Plus and the general telephone helpline and therefore cannot be taken as an indication of the level of training amongst Jobcentre Plus staff as a whole. However, the surveys indicate that equality and diversity training is urgently needed for members of staff at the local Jobcentre Plus. Out of the three public authorities considered in this report, the DWP (Jobcentre Plus) received by far the worst comments in terms of the attitude of staff dealing with the public. There were a number of reports of inappropriate comments made by staff.

## **Glasgow City Council – Housing Benefit**

### **1. Duty to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act**

Although the majority of Roma respondents and a number of agencies identified their experience of dealing with GCC to be good, the file reviews still showed worrying trends in the way that claims for benefit were processed and it was clear that claims from Roma clients were processed differently from those of clients of other races.

There was a lack of understanding of the relevant legislation leading to benefit claims being subject to severe delay, lack of action and closure without good cause.

Training is required for benefit delivery staff to ensure that the decision making process is more consistent and quicker.

### **2. Duty to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**

By failing to efficiently administer housing benefit claims for Roma clients, GCC is causing difficulties for them in paying their rent. This leaves them prey to unscrupulous landlords and makes it difficult for them to establish settled tenancies, particularly in the social rented sector. Failure to obtain housing benefit timeously forces Roma families into situations where accommodation is shared. This can result in overcrowding as discussed in Chapter 2. It is unlikely that the number of Roma families in social rented accommodation will increase until the problems with access to housing benefit are resolved.

## **Conclusion**

Our research demonstrates that Roma communities in Govanhill are being routinely failed by statutory services, who are routinely breaking their own guidelines, and providing an unacceptably low level of service to Roma clients. The findings demonstrate that action is required by HMRC, the DWP (Jobcentre Plus) and GCC (Housing Benefit Department) to review and improve their practices in line with their public sector duties, arising from the Equality Act 2010.

While benefits applications are processed, families are forced to subsist on meagre resources. These inordinate delays are contributing to child poverty in working Roma families in Govanhill. We shall make recommendations in relation to further action in Chapter 7.

### **Case study:**

A Slovakian Roma mother with three children waited 18 months for her Child Benefit application to be processed, then received a substantial backdated payment. For those 18 months, her family were deprived of around £46 per week without good cause. There is no need to spell out the difficult financial position losing £46 per week means for any low income family. If the purpose of welfare benefits is to lift low income families out of poverty, it is not serving this purpose for many Roma families in Govanhill.

# Chapter Seven: Recommendations & Further Action

We believe that the results of our research, as discussed in Chapters 3-6, confirm our concerns that our Roma clients are being treated differently from benefits claimants of other races and that each of the three public authorities considered within this report have in some way breached their duties under s149 of the Equality Act 2010.

We therefore feel that further action is now required in order to address the situation. This chapter will set out the further action we intend to take and will also make recommendations to the three public authorities concerned about measures they can take to address some of the issues raised in this report.

## Further Action

### 1. Complaints to Information Commissioner

As noted in Chapter 3, we were disappointed that the majority of the requests we assisted our clients to make under the Data Protection Act 1998 were not, in our opinion, properly administered by the public authorities concerned. We intend to make complaints to the Information Commissioner in relation to the following matters:

- Lack of response from DWP to all of our requests
- Lack of response from HMRC to some of our requests
- Failure of HMRC to provide all the personal data they held, e.g. copies of letters sent to the client and audio recordings of telephone calls.
- Failure of HMRC to explain some of the coding that they used throughout the documents that they provided
- Glasgow City Council's insistence on their form being used and ID being required.

We will write to the Information Commissioner and make complaints in relation to all of these issues. If the Information Commissioner agrees that the Data Protection Act 1998 has been breached, he can give the organisation advice and ask it to solve the problem. It also has the power to order the organisation to do so by serving an enforcement notice.<sup>40</sup>

### 2. Gather Further Information

Unfortunately, due to the time constraints in preparing this report and the difficulty in obtaining information from the public authorities in question, we were not able to gather information from as wide a sample of cases as we would have liked. When carrying out the partner surveys, a number of other organisations advised us that they would be willing to carry out the same research to gather a bigger

sample of cases and a better picture of the treatment of Roma people, not just in Govanhill but across Scotland. We therefore intend to provide the *pro forma* data capture form we used and a standard data subject access request letter to other organisations in order to gather information from a wider sample of Roma people's experiences.

<sup>40</sup> Section 40 Data Protection Act 1998

### 3. Requests for Further Information under the Freedom of Information Act 2000

The information we recovered through the data subject access requests highlighted a number of issues in relation to which we would like to obtain further information and clarification. In addition, some of the respondents to the surveys raised interesting issues which we believe we could clarify through FOI requests. For example, one respondent pointed out that the tax credit application form does not ask any questions which would identify a claimant as being Roma, from an A8/A2 country or even from the EEA. The only questions asked on the claim form which in any way relate to a person's country of origin are the question asked in the "Personal Details" section of the form which asks if someone is a "Person Subject to Immigration Control" for which, for Roma from EEA nations, the correct answer is "no". There is also a question that asks, "Do you usually live in the UK?" If someone has moved to the UK with settled intent for the time being, as most of our Roma clients have, then the answer should be "yes". It is therefore unclear how HMRC identify Roma claimants as being Roma/migrant workers/A8/A2 nationals. However, they clearly do as there were frequent mentions of the phrases "migrant worker", "A8" etc. in the documents we recovered through data subject access requests.

We will write letters to all three of the public authorities discussed in this report asking for further information under the Freedom of Information Act 2000 and publish the result.

#### **4. Raising the breaches of the Equality Act highlighted in this report with relevant bodies/persons and pushing for action to be taken**

We intend to use this report as a campaigning tool to highlight the breaches of the Equality Act we believe are currently taking place with relevant bodies/persons and ask them to work with us to challenge this illegality.

We intend to provide the report to the following bodies/persons:

- Equality and Human Rights Commission – we will be sending a copy of this report together with any responses we receive from our FOI requests to the ECHR and asking them to consider carrying out an assessment in terms of s31 Equality Act 2006<sup>41</sup>, and if necessary to issue a compliance notice under s32 and take court action.
- Local MP – we intend to provide a copy of this report to the local MP in Govanhill and request that he asks parliamentary questions in relation to the conduct of the DWP and HMRC.
- Local Councillors – we intend to contact the local councillors for Govanhill, provide them with a copy of the report and ask them to take action in relation to the ways in which the administering of Glasgow City Council’s housing benefit may be breaching the GCC’s duties under s149 Equality Act 2010.
- Local MEP – we intend to provide the local MEP with a copy of the report to highlight that the Roma, who are the most discriminated group in Europe, are being discriminated against in the UK. We hope that his position in Europe will enable him to raise this issue with the relevant public authorities and explain to them the importance of these issues.
- European Roma Rights Centre – We have been invited to visit the European Roma Rights Centre in Hungary and present our report to them. This trip will be funded by Roma-net, an URBACT European Union project promoting Roma integration. We hope to benefit from the ERRC’s considerable experience in advocating for and litigating to protect and enforce Roma rights.

#### **5. Identify a suitable case for legal action and assist the client to take action**

Although the 2010 Act prohibits individuals from suing a public authority in relation to any failure to comply with s149<sup>42</sup>, it is possible to raise a judicial review. We will be reviewing all the information received with a view to identifying a suitable case to raise a judicial review and assisting the client to do so, if they so wish.

#### **Recommendations**

The authors, in light of their own conclusions, and considering comments made by survey respondents, have the following recommendations to make to the public authorities concerned: -

##### **All:**

- Training in cultural sensitivity and understanding of the socio-political context in the country of origin of Roma communities should be given to all staff and policy makers so that they have a better understanding of and respect for the Roma community.
- Training of staff in the relevant law in relation to EEA, including A2, nationals. This will, we hope, reduce the level of misinformation given to clients as well as expedite and improve decision making.
- Conduct face to face consultation with Roma service users and their representatives in relation to the issues raised in this report.
- Better guidance for staff dealing with documentation from abroad in order to prevent the retention of passports.
- Better communication with non-English speaking clients – better access to translators and interpreters. Interpreters should be offered if it is apparent the client does not speak English – shouldn’t wait for client to ask as they might not realise that interpreters are available. An interpreting policy should be produced and published by each public authority.
- Public authorities should be mindful that by treating Roma service users differently from other races they are, albeit unintentionally, further strengthening people’s prejudices about the Roma.
- Public authorities should consider collecting information on their Roma service users and using this information when compiling reports under their reporting duties and publish the results.
- Consider the specific needs of Roma clients when carrying out impact assessments.
- Provide feedback surveys to allow Roma clients to report on the service they have received.

##### **HMRC:**

- Investigate the reasons why a disproportionate number of Roma service users as opposed to users from other races are going through the compliance process.
- Provide more clarity over the processing of claims – give more information to claimants about exactly why their claims are not being paid.
- Consider how their position on multi-occupancy disproportionately affects the Roma and possibly other migrant workers with a view to reviewing it.

##### **Jobcentre Plus:**

- Urgent training to be given to members of staff at Laurieston Jobcentre Plus on customer service skills and dealing with customers from ethnic minority backgrounds.

<sup>41</sup> See Chapter 2 for an explanation of the EHRC’s powers under this section

<sup>42</sup> Section 156 Equality Act 2010

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**APPENDIX 1**  
**OXFAM PAPER PRO FORMA**

Client Name: \_\_\_\_\_ Solicitor/Caseworker: \_\_\_\_\_ Ref: \_\_\_\_\_

A8/A2 Nationality: \_\_\_\_\_ Category Code: \_\_\_\_\_

Partner: **Yes / No** Number of Dependents: \_\_\_\_\_

Data Access Request: **Done / Required**

**Benefit:**

Interpreter requested: **Yes / No**

**Issues**

- Erroneous Refusal/Appeal
- Complaint
- Unreasonable Delay for Decision
- Complex Cases Team/Compliance
- Passport Issues
- Unreasonable Information Requests
- Delay Implementing Decision

Other Issues: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Agency involved:**

Interpreter provided: **Yes / No**

Reason: \_\_\_\_\_  
\_\_\_\_\_

More Details/Progress: \_\_\_\_\_  
\_\_\_\_\_

Stage: \_\_\_\_\_

Since when: \_\_\_\_\_

Why: \_\_\_\_\_  
\_\_\_\_\_

More details: \_\_\_\_\_  
\_\_\_\_\_

Documents requested: \_\_\_\_\_  
\_\_\_\_\_

Since when: \_\_\_\_\_

**Impact of these issues**

- Risk of Homelessness      Details: \_\_\_\_\_
- Destitution                      Details: \_\_\_\_\_
- Child Poverty                    Details: \_\_\_\_\_
- Employment Issues              Details: \_\_\_\_\_
- Other:                              Details: \_\_\_\_\_

**APPENDIX 2**  
**OXFAM – LAW INTO PRACTICE – CLIENT SURVEY**

**Have you ever had contact with any of the following public agencies?**

If so, what type of contact, and how would you rate your overall experience dealing with them?

**HM Revenue and Customs**

Yes / No

Type of contact:

Face-to-face / Telephone / Written / Other: \_\_\_\_\_

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**Jobcentre Plus**

Yes / No

Type of contact:

Face-to-face / Telephone / Written / Other: \_\_\_\_\_

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**Glasgow City Council – Housing Benefit**

Yes / No

Type of contact:

Face-to-face / Telephone / Written / Other: \_\_\_\_\_

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**Glasgow City Council – Homelessness**

Yes / No

Type of contact:

Face-to-face / Telephone / Written / Other: \_\_\_\_\_

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**When dealing with these public bodies, have you ever felt any of the following?**

Discriminated against

Yes / No

Harassed

Yes / No

Victimised

Yes / No

**If so, please explain and give examples:**

**When dealing with these organisations, do you feel you are treated differently from those of other races in Scotland?**

Yes / No

If so, please explain, and give examples:

**What do you think these bodies could do to make you feel treated more equally to other races?**

**Do you feel like you have a good relationship with other races in the community?**

Yes / No

If no, explain why, and give examples:

If no, do you think this is caused at all by the agencies mentioned above?

Yes / No

If yes, please explain and give examples:

**What do you think that these public bodies could do to improve relations between you and members of other races in your community?**



**APPENDIX 3**  
**OXFAM – LAW INTO PRACTICE – COMMUNITY ORGANISATION SURVEY**

**Which organisation do you work for?**

**What is your organisation’s role within the Roma community?**

**What is your role within your organisation?**

**Have you or any of your Roma clients ever had contact with any of the following public agencies?**

If so, what type of contact, who made the contact, and how would you rate your overall experience dealing with them?

**HM Revenue and Customs**

Yes / No

Who made contact:

You / Your client

Type of contact:

Face-to-face / Telephone / Written / Other:

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**Jobcentre Plus**

Yes / No

Who made contact:

You / Your client

Type of contact:

Face-to-face / Telephone / Written / Other:

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**Glasgow City Council – Housing Benefit**

Yes / No

Who made contact:

You / Your client

Type of contact:

Face-to-face / Telephone / Written / Other:

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**Glasgow City Council – Homelessness**

Yes / No

Who made contact:

You / Your client

Type of contact:

Face-to-face / Telephone / Written / Other:

Overall experience:

Very poor / Poor / Satisfactory / Good / Excellent

**When dealing with these public bodies, have you ever felt that your Roma clients have been made to feel any of the following?**

Discriminated against

Yes / No

Harassed

Yes / No

Victimised

Yes / No

If so, please explain and give examples:

**When dealing with these organisations, do you feel your Roma clients are treated differently from those of other races in Scotland?**

Yes / No

If so, please explain, and give examples:

**What do you think these bodies could do to make your Roma feel treated more equally to other races?**

**Do you feel like your Roma clients have a good relationship with other races in the community?**

Yes / No

If no, explain why, and give examples:

If no, do you think this is caused at all by the agencies mentioned above?

Yes / No

If yes, please explain and give examples:

**What, if anything, do you think that these public bodies could do to foster good relations between your Roma clients and members of other races in the community?**

# Contact us

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