3 February 2025

PPR input to consultation on the draft Equality Impact Assessment of DFC proposals to amend legislation on anti-social behaviour in housing

The DFC has published for consultation a draft Equality Impact Assessment of its proposals to amend legislation to help tackle anti-social behaviour in housing. According to the text,

> the purpose of this EQIA is to detail the effect, if any, that the proposals to amend the legislation to help tackle Anti-Social Behaviour (ASB) in Housing may have on Section 75 categories and provide an opportunity to comment on these effects. (p 4)

This matters because, according to the draft,

> the results of both the initial November 2023 consultation, and the consultation on the Equality Assessment will be used to inform the final proposals which will then be presented to the Minister for consideration. (p 70)

The text reviews all section 75 categories and proposes mitigations in three areas -- age, gender and disability (p. 65). The assessment of impact related to religious belief, however, was that: "The proposals will not intentionally impact any specific groups based on their religious beliefs" (p. 52), and no mitigations were deemed necessary.

Our close analysis of the text identifies serious issues in the part of Section 2: Collection of Available Data and Research corresponding to religious belief, both in **(a) the interpretation of data** and **(b) the choice of data sets used.**

The relationship between data and research, impact assessment and identification of mitigations is clearly set out in the Flow Chart (p. 5). As per this relationship, the flaws we have identified in section 2 carry over to the ensuing Section 3: Assessment of Impacts and Section 4: Mitigations.

It is therefore imperative that the content on religious belief in all of these sections be urgently reviewed.

From the wording of the DFC draft, it seems decision-makers concluded that people identifying from a Catholic background were more likely to be subject to a possession order because this group is proportionately more likely to live in social housing.

However, our analysis of the data shows that the information used to draw this conclusion has been misinterpreted.

Our analysis, set out below, suggests that the higher proportion of possession orders experienced by Catholic households cannot be accounted for in the way the Department suggests -- and therefore should be a cause for concern requiring further investigation, impact assessment and potentially, mitigations.

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Close analysis of Section 2 – Religious Belief

1. **The approach taken – Section 2, Religious Belief**

According to the Section 2 text on religion,

> within social housing (Northern Ireland Housing Executive and Housing Association or charitable trust), those who identify as Catholic represent 44.6% compared to 34.4% for Protestant and Other Christian, 1.9% for other religions and 19.1% who identify as having no religion or religion not stated (p. 9).

The text continues,

> in relation to ASB possession cases, 55.2% identified as Catholic, 37.9% as Protestant and 6.9% not known… the higher rate of Catholic possession cases can be caveated by the Census results showing a higher proportion of Catholic households in the social rented sector (p. 11).

2. **Conclusions drawn in the draft Equality Impact Assessment**

These elements form the basis of the equality assessment – which ultimately was that "the proposals will not intentionally impact any specific groups based on their religious beliefs" (p. 52).

From the wording, it seems decision-makers concluded that people identifying from a Catholic background were more likely to be subject to a possession order because this group is proportionately more likely to live in social housing.

Our analysis, set out below, suggests that the higher proportion of possession orders experienced by Catholic households cannot be accounted for in the way the Department suggests -- and therefore should be a cause for concern requiring further investigation, impact assessment and potentially, mitigations.

3. **Flaws identified**

As part of an Equality Impact Assessment (EQIA), an authority needs to assess data on who is likely to be affected by changes to a particular policy. In this context this includes:

- How are Section 75 characteristics represented in different tenures?
- How do Section 75 characteristics relate to cases of anti-social behaviour in the past, alongside possession orders (evictions) and injuctions?

Table 1 (p. 10) in the draft is included here for ease of reference:

HOUSEHOLD: TENURE BY RELIGION									
Count	Religion – 4 Categories								Total
Household: Tenure¹	Catholic		Protestant and Other Christian (including Christian related)		Other religions		No religion/religion not stated		
Owner occupied: Owns outright	223,891	38.7%	270,578	46.8%	4,126	0.7%	79,831	13.8%	578,426
Owner occupied: Owns with a mortgage or loan	315,186	45.1%	244,593	35.0%	6,636	0.9%	132,127	18.9%	698,542
Shared ownership: Part-owns and part-rents	6,614	39.9%	5,233	31.5%	163	1.0%	4,585	27.6%	16,595
Social rented: Northern Ireland Housing Executive	71,907	41.9%	62,557	36.5%	3,443	2.0%	33,600	19.6%	171,507
Social rented: Housing association or charitable trust	36,835	50.9%	21,347	29.5%	1,258	1.7%	12,964	17.9%	72,404
Private rented: Private landlord	98,006	44.8%	59,805	27.3%	4,748	2.2%	56,287	25.7%	218,846
Private rented: Letting agency	24,781	36.2%	17,303	25.3%	2,996	4.4%	23,414	34.2%	68,494
Private rented: Employer of a household member	281	19.7%	468	32.7%	78	5.5%	603	42.2%	1,430
Private rented: Relative or friend of a household member	6,223	43.1%	4,673	32.4%	212	1.5%	3,315	23.0%	14,423
Private rented: Other	1,601	39.2%	1,069	26.2%	261	6.4%	1,153	28.2%	4,084
Lives rent free	12,342	38.5%	13,861	43.2%	849	2.6%	5,025	15.7%	32,077
No code required	7,487	28.4%	9,506	36.1%	747	2.8%	8,608	32.7%	26,348
All	805,154	42.3%	710,993	37.4%	25,517	1.3%	361,512	19.0%	1,903,176

SOURCE: Northern Ireland Census 2021

1. This variable applies to all people living in households. As such, this variable reports the code required for the subset of the population living in communal establishments.

Our review of the draft raised concerns that (a) the data are interpreted incorrectly, and (b) the incorrect dataset was chosen to address the question.

A. The data are interpreted incorrectly

The 2021 Census included two questions that related to Religion, completed at an individual level:

> ***Question 13: What religion, religious denomination or body do you belong to?***
> *-Roman Catholic*
> *-Presbyterian Church in Ireland*
> *-Church of Ireland*
> *-Methodist Church in Ireland*

-Other, write in
-None

Question 14: What religion, religious denomination or body were you brought up in?
-Roman Catholic
-Presbyterian Church in Ireland
-Church of Ireland
-Methodist Church in Ireland
-Other, write in
-None

If participants responded None to Question 13, they needed to complete Question 14, otherwise they jumped from Question 13 to Question 15.

NISRA provide data from the Census at both Household-level, and Person- or Population-level. Most Households are single-religion Households (all persons within a household would have selected the same religion in Question 13; if any Household members selected None to Question 13, they went on the select the same Religion as other Household members in Question 14).

To extract Census data on the representation of different religions within different tenures, there are 4 possibilities:

1. Select Household level data by Household Religious Background (drawing on responses to Questions 13 *and* 14), and the number from each Household Religion in each Tenure
2. Select Household level data by Household Religiosity (drawing on responses to Question 13 only), and the number from each Household Religion in each Tenure
3. Select Population level data by Person-level Religious Background (drawing on responses to Questions 13 *and* 14), and the number from each Religion in each Tenure
4. Select Population level data by Person-level Religiosity (drawing on responses to Question 13 only), and the number from each Religion in each Tenure

For this draft Equality Impact Assessment the DFC apparently selected option 4, as we show below. They write:

furthermore, in terms of tenure, <u>within social housing</u> (Northern Ireland Housing Executive and Housing Association or charitable trust), <u>those who identify as Catholic represent 44.6%</u> compared to 34.4% for Protestant and Other Christian, 1.9% for other religions and 19.1% who identify as having no religion or religion not stated. (p. 9)

This does not by default mean that: people from a Catholic background have more social homes than people from a Protestant background, 44.6% vs. 34.4% OR from the population of people in social housing, 44.6% are from a Catholic background, and 34.4% are from a Protestant background. **Within social housing** could mean within the population of people in social housing, or it could mean within the quantity of homes that are social homes. **Identify as Catholic** could mean being from a Catholic background or, it could mean professing the Catholic faith (there is a quantity of people who are 'from a religious background' but are not, themselves, religious.)

The *objective description* of the above statement is that the percentage of people who currently profess the Catholic faith, and live in social housing, is higher than the percentage of people who currently profess the Protestant faith, and live in social housing, 44.6% vs. 34.4%.

The Department's conclusion that: "The higher rate of Catholic possession cases can be caveated by the Census results showing <u>a higher proportion of Catholic households in the social rented sector</u>," cannot be verified by looking at Population-based data on Religiosity.

B. The incorrect dataset was provided/chosen to address the question

One of the questions that needed to be addressed through the EQIA is whether there are differences in repossessions/evictions related to anti-social behaviour (ASB) as a function of different Equality Characteristics, one being religious belief. If there are already differences, then the EQIA would need to explore the impact a legislative change would have on these differences.

The key religious variable here is **Religious Background** *not* **Religiosity**. Religiosity data excludes those people from a religious background who are not presently religious. Why, when looking at eviction data, would we want to consign our analysis to only those people who currently profess a religious belief?

In addition, as the number of evictions is a household level variable, the data extracted from the Census should be **Household Level data** *not* **Population Level data**. Why, when looking at eviction data, would we want to risk confounding our analysis by group differences in the number of people in households?

This is significant because NI 2021 Census data on the number and proportion of NI households by religion show that people from a Catholic background tend to have more people, on average, in a household:

Table 2: NI 2021 Census data on the number and proportion of Catholic and Protestant households of different sizes

	Number		Proportion	
	Catholic	Protestant	Catholic	Protestant
Households: 1 person	98,806	118,299	42%	50%
Households: 2 people	87,557	117,009	37%	50%
Households: 3 people	54,766	52,848	44%	42%
Households: 4 people	45,762	43,067	43%	41%
Households: 5 people	23,925	16,432	50%	35%
Households: 6 or more peop	11,473	6,303	54%	30%

If we examine the first decision, to use 'religiosity' over 'religious background': what is the impact of looking at tenure data, as a function of Religiosity, as opposed to Religious Background?

In Table 3 below (also drawn from NI 2021 Census data), the two columns B are the data used in the consultation report: **Religiosity data** at the Population Level (census participants who responded yes to Q13 only).

The two columns A are **Religious Background data** at Population Level (census participants responded yes Qs 13 & 14).

If we just look at the Sum row, 869,754 people reported coming from a Catholic background, while 805,154 people professed to having a Catholic faith—a drop of 64,600 people. Similarly, 827,544 people reported coming from a Protestant background, while 710,993 people professed to having a Protestant or other Christian-related faith—a drop of 116,551 people.

What this means is, if we choose to look at tenure use in relation to Religiosity over Religious Background, we underestimate the number of people from a Protestant background in all tenures.

With regard to social housing tenure, approximately 12,000 fewer people professed a Protestant faith as compared to a Protestant background; amongst Catholics the same difference exists but to a lesser degree (approximately 6,000 fewer). This appears to have contributed to the report's conclusion that a higher proportion of Catholic households are in the social rented sector.

Table 3: NI Census 2021 data on Religious Background (A), and Religiosity (B), as a function of tenure, at Population Level

Population Count Household: Tenure	A. Yes to question 13 or question 14		B. Yes to question 13 ONLY - Data used in the EQIA		Difference between A and B	
	Catholic	Protestant and Other Christian (including Christian related)	Catholic	Protestant and Other Christian (including Christian related)	Catholic	Protestant and Other Christian (including Christian related)
Owner: Owns outright	239,553	307,960	223,891	270,578	-15,662	-37,382
Owner: Owns with a mortgage or loan	337,173	287,953	315,186	244,593	-21,987	-43,360
Shared ownership	7,366	6,533	6,614	5,233	-752	-1,300
Social: Housing Executive	76,650	71,386	71,907	62,557	-4,743	-8,829
Social: Housing association/similar	39,338	24,574	36,835	21,347	-2,503	-3,227
Private rented: Private landlord	108,274	72,182	98,006	59,805	-10,268	-12,377
Private rented: Letting agency	29,653	22,381	24,781	17,303	-4,872	-5,078
Private rented: Employer	322	558	281	468	-41	-90
Private rented: Relative/Friend	6,866	5,582	6,223	4,673	-643	-909
Private rented: Other	1,794	1,266	1,601	1,069	-193	-197
Lives rent free	13,320	15,373	12,342	13,861	-978	-1,512
No code required	9,445	11,796	7,487	9,506	-1,958	-2,290
SUM	**869,754**	**827,544**	**805,154**	**710,993**	**-64,600**	**-116,551**

Next we examine the second decision: what is the impact of looking at tenure data at Population level as opposed to at Household Level?

In Table 4 (again from NI 2021 Census data), the two columns B are again the data used in the Report: **Religiosity data** at the Population Level (census participants responded to Q13 only).

The two columns A show **Religious Background data** at Household Level (census households responded to Qs 13 & 14). If we just look at the Sum row, 322,284 households reported coming from a Catholic background. 353,955 households reported coming from a Protestant background. **What this means is that people from a Protestant background have a greater proportion of homes in the social housing system, while more people from a Catholic background live in fewer homes.**

If we choose to look at tenure use in relation to Population- over Household Level, in addition to Religiosity over Religious Background, **we underestimate the number of people from a Protestant background in all tenures**.

Specifically with regard to social housing relative to Religious Background figures in Households, there are 32,247 more people who live in social housing than social homes amongst people who profess a Protestant or other Christian faith. There are 55,634 more people who live in social housing than social homes amongst people who profess a Catholic faith. This appears to have contributed to a conclusion that a higher proportion of Catholic households are in the social rented sector.

Table 4: NI 2021 Census data on Religious Background (A), and Religiosity (B), as a function of tenure, at Household- (A) vs. Population Level

Household (A) vs. Population Count (B)	A. Yes to question 13 or question 14 at Household Level		B. Yes to question 13 ONLY - Data used in the EQIA		Difference between A and B	
Household: Tenure	Catholic	Protestant and Other Christian (including Christian related)	Catholic	Protestant and Other Christian (including Christian related)	Catholic	Protestant and Other Christian (including Christian related)
Owner: Owns outright	99,652	148,012	223,891	270,578	124,239	122,566
Owner: Owns with a mortgage or loan	97,740	97,183	315,186	244,593	217,446	147,410
Shared ownership	2,728	2,742	6,614	5,233	3,886	2,491
Social: Housing Executive	35,701	38,069	71,907	62,557	36,206	24,488
Social: Housing association/similar	17,407	13,588	36,835	21,347	19,428	7,759
Private rented: Private landlord	45,188	32,184	98,006	59,805	52,818	27,621
Private rented: Letting agency	12,795	10,021	24,781	17,303	11,986	7,282
Private rented: Employer	119	197	281	468	162	271
Private rented: Relative/Friend	2,981	2,618	6,223	4,673	3,242	2,055
Private rented: Other	796	624	1,601	1,069	805	445
Lives rent free	7,177	8,717	12,342	13,861	5,165	5,144
No code required			7,487	9,506		
SUM	**322,284**	**353,955**	**805,154**	**710,993**	**482,870**	**357,038**

The data included in the report, and the conclusions drawn from it, clearly must be amended.

The data selected for the Report is biased towards supporting a position that people of a Catholic background are over-represented in social housing. A concern that people from a Catholic background are more likely to be evicted on the grounds of anti-social behaviour, and their homes repossessed, is falsely negated in the consultation document:

> In relation to ASB possession cases, 55.2% identified as Catholic, 37.9% as Protestant (p. 11).

People from both religious backgrounds have almost the same number of social homes (Catholic 53,108 and Protestant 51,657, with a total of 1,451 homes / 1% of a difference).

Why, over a 5-year period (2018/19-2023/24), were 17% more Catholic as opposed to Protestant households evicted? Surely this would be a matter for scrutiny within an equality impact assessment.