

Developing a Human Rights approach to address the needs of residents – London Borough of Tower Hamlets

Background

In 2010, five councils became part of a national project, led by the Local Government Association (LGA), to explore how a Human Rights-based approach could help them address the needs and vulnerabilities of its residents. Tower Hamlets, Hackney, Herefordshire, Oxfordshire and Wiltshire local authorities participated in the project and were supported by the British Institute of Human Rights throughout.

From different geographical and political perspectives each project explored how a Human Rights approach can help councils improve service delivery, local decision making and engagement with the communities they serve.

To provide a national 'steer', the LGA set up an advisory board which oversaw the progress of the projects. With representation from the Ministry of Justice, the Department for Communities and Local Government (DCLG), the Equality and Human Rights Commission, the Care Quality Commission (CQC), the Local Government Ombudsman, UNICEF and the LGA. The board supported the local/national partnership and facilitated the swapping of expertise. This partnership has now extended to include colleagues from Belgium, the Netherlands, Spain and Sweden.

Summary

With more than 200,000 people living within 13 square kilometres at the heart of London's East End, Tower Hamlets is densely-populated, rapidly-growing and has a long history of migrant settlement. While the global financial centre Canary Wharf sits within its borders, more than a quarter of households live in overcrowded circumstances on less than £20,000 a year. The area also has some of the highest child and pensioner poverty in the country. This challenging context was the starting point for the project.

At the core of all the council's work is 'One Tower Hamlets' – to inspire the delivery of excellent public services. More than just a principle, this is a cycle of action to tackle inequality, strengthen cohesion and build community leadership. The project has been one way of making this happen by improving our understanding of Human Rights legislation and developing a corporate approach to its application by focusing on vulnerable residents with no recourse to public funds (NRPF).

NRPF is defined as not being able to claim most welfare benefits, tax credits or housing assistance that are paid by the state due to an individual's immigration status. However, welfare benefits cannot be withheld if it leads to a breach of Human Rights. The key objective of the project was to ensure the Human Rights of any individual in Tower Hamlets were not being breached as a result of not having access to welfare benefits.

Who is involved?

- Chief executive: Tower Hamlets
- Chief executive: British Institute for Human Rights
- Service head: One Tower Hamlets
- Strategy, policy and performance officer: One Tower Hamlets
- Legal Services: Team leader
- Tower Hamlets residents with NRPF
- Social workers

- Local voluntary sector organisations.

The challenges for us

Developing a coherent and balanced approach to Human Rights

A key issue that arose during the development stage of the project was the variance in perception, definition and approach to Human Rights from different participants. For example, the British Institute for Human Rights (BIHR) at times took a broad and principle-led approach and interpretation of Human Rights law. However, representatives from the legal profession often took a more rigid and narrow view to Human Rights from the perspective of case law.

The above is what one would expect from these two different groups however these different perspectives needed to be balanced to create a constructive approach to the project. It was the role of the Corporate Strategy and Equality team to ensure that the inputs from these groups complemented, rather than conflicted with each other. This was achieved through communicating to all partners realistic expectations for the project. Tower Hamlets was not going to be able to eradicate all inequality in the area through a Human Rights project, but nor was the project going to be limited to the legalistic approach of case law. It was acknowledged that both approaches had their merits and limitations. As a result, two outputs were developed for the project that satisfied the differing approaches. A legal guidance document was developed based on case law, but a simple user friendly guide was developed for residents. This latter document demonstrates in a simple format what Human Rights are, what they mean in practice and where they can go for advice and help when they are in need of food, clothing or legal and housing advice.

Simplifying the perception of Human Rights to residents

A common public perception of Human Rights is that they are distant and intangible, the reserve of high court judges and extreme legal cases. The project wanted to attempt to change this perception to some degree through the public engagement aspects of the project. The project team were keen to elucidate to residents that Human Rights are relevant to all citizens and have a profound impact on their day to day lives.

To address the above it was important for communications to be central to the project. Human Rights Day was celebrated in December 2011 and was organised in partnership between Praxis, Tower Hamlets Council and the Migrants' Rights Network. The event was a space to reflect on the intersection of Human Rights and migration through film, music and discussion. It was an opportunity for the community to actively engage with Human Rights and for positive messages to be communicated to residents about Human Rights locally.

Outcomes

By bringing together a range of local partners we strived to develop a collective view of protecting individual Human Rights in our community by:

- Tackling inequality: understanding our legal obligations (and avoiding expensive challenges) has helped to tackle local inequality
- Strengthening cohesion: recognising the complementary responsibilities of statutory and community organisations has strengthened cohesion
- Building community leadership: guiding NRPF residents to improve their situation has helped build leadership in the community.

What we learnt

Protecting the most vulnerable members of the community

Residents with NRPF will often be some of the most vulnerable members of the community. They may have experienced great hardship including in many cases domestic abuse and homelessness. The project highlights how a Human Rights approach to local authority's business can improve the lives, and life chances, of vulnerable residents.

Partnership working

The project had multiple levels of partnership working at the local, regional, national and international level. As a result of this there were often competing demands and these had to be balanced by a central agent – the council's Corporate Strategy and Equality team.

Making Human Rights accessible to residents

There was a danger that the project would forget that, beyond the legal frameworks, Human Rights are about how individuals interact with each other and the need to do so with respect. The work demonstrates how involving the community is imperative to delivering the best outcomes for service delivery.

Engagement

Residents who have NRPF are very difficult to engage with for a number of reasons, including language barriers and having a distrust of authority. A majority of engagement was done by Praxis who has existing relationships with individuals and groups that have NRPF. Although the work undertaken by Praxis cannot be faulted, there was a limit to the amount of progress that can be made in improving the lives of individuals with a top-down approach. The project would thus have benefitted from greater community engagement work to allow those impacted by the outcomes to take ownership of the project.

Analyses of the success of the project

As we are approaching a year since the Human Rights Assessment has been introduced, the Corporate Strategy and Equality team and the Corporate Legal team are reviewing the number of people that have been provided with benefits as a result of the assessment. Anecdotal evidence from discussions with social workers indicates that there has been high use of the assessment so far.

Fundamental Rights Agency

The findings from this project have been submitted to the Fundamental Rights Agency (FRA). Tower Hamlets Council and Praxis will continue to work with the FRA to help create a "Joined-Up Governance Toolkit", which will make available the lessons learned from practices of involving local and regional authorities in fundamental rights planning, implementation and monitoring.

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