

Economic and Social Rights in Nottingham: Work, Housing, Food

Authors:

Michele Grigolo [editor], Tom Vickers, Sharon Hutchings (NTU Sociology)

Juliet Wakefield, Mhairi Bowe (NTU Psychology)

United Private Hire Drivers union, Nottingham branch

Nottingham Housing Justice Forum

Corresponding author: michele.grigolo@ntu.ac.uk

29 March 2019

Contents

Executive Summary.....	2
Introduction	3
Methodology.....	3
Delivering ESRs in the UK.....	5
Work.....	6
Housing	7
Food	9
Internalisation of ESRs	11
Conclusion.....	13

Executive Summary

This report explores economic and social rights in Nottingham, focussing on the right to decent work, housing and food. Using the case of Nottingham, a broader critical reflection on the mechanisms through which state institutions are expected to deliver rights is offered. The report finds these institutions wanting in many respects, beginning from the lack of proper regulation of the labour market and recognition of worker rights; the poor resources invested in rights implementation; barriers to the access to rights generated by an often-hostile bureaucracy, the lack of adequate information about rights, and an overall punitive approach to recipients of social benefits. In this context, third sector associations and volunteers both challenge the state to deliver decent work, housing and food, while compensating at least in part for the state poor performance around rights. This action and conversation, however, are not informed by international human rights, suggesting a very limited internalisation of work, housing and food as human rights: on the one hand, people have a limited awareness of their rights, which local authority programmes oriented towards social cohesion try to stimulate by working in cooperation with vulnerable communities and lawyers; on the other hand, the overall state's failure to use and engage in international human rights provide no incentive towards a broader engagement in Nottingham with the legal framework and discursive field of international human rights.

Introduction

The following report, co-authored by a group of academics, activists and practitioners, aims to contribute inputs to the new project of the UN Rapporteur on Extreme Poverty and Human Rights. In particular, the report focuses on the institutionalisation and internalisation of economic and social rights in the UK, using the case of Nottingham in the UK. Economic and social rights (ESRs) are often invoked based on international instruments, the most famous of which is probably the Universal Declaration on Human Rights. ESRs are also included in a wide range of international treaties to which the UK is a signatory, including the International Covenant on Economic, Social and Cultural Rights. However, references to ESRs are also made in many other treaties, including those on the human rights of women, children, migrants, people with disabilities, as well as specific issues like racism. In practice however, very much in line with the findings of the Rapporteur's recent visit to the country, we have found that the UK record of implementing ESRs is wanting.

In the following we introduce briefly the methodology of this report and then move to discuss, first, the institutional framework for delivering ESRs in the UK. Second, we provide a more dynamic picture of the way in which state institutions work with an analysis of issues of work, housing and food affecting the rights of residents in Nottingham. Third, based on the experiences reported in the three rights examined in the report, we reflect more generally on the question of internalisation of ESRs as human rights.

Methodology

The idea of the present report was developed by members of the Work Futures Research group within the School of Social Sciences at Nottingham Trent University, out of conversations between Tom Vickers, Michele Grigolo and Sharon Hutchings. Grigolo, a sociologist of human rights with expertise in urban sociology and the practice of so-called "human rights cities," has materially drafted this report, injecting knowledge from his research. He also established an initial contact with the Rapporteur's assistant Anne Bulman. Informed of the presence of sociologists in the team, Bulman invited Grigolo to explore issues of norm internalisation. Grigolo also collected inputs coming from other authors, beginning from Vickers, an expert on migration studies, welfare and work, and Hutchings, who works and researches extensively on service learning and has a deep knowledge of social and economic issues affecting Nottingham's residents. Other colleagues

within the University embraced the idea of this report and provided more contributions: Juliet Wakefield and Mhairi Bowe from the Psychology Department, who have worked extensively on foodbanks and already used their research to contribute to the Rapporteur's findings on the UK following his visit to the country in 2018. Activists and third sector associations networked with the Sociology Department through Vickers and Hutchings also contributed to the report: the Nottingham Housing Justice Forum and the Nottingham branch of United Private Hire Drivers union.

The study of Nottingham, one of the main urban centres of East Midlands, illustrates well the need for as well as the limit of ESRs in the UK. The city has seen a significant change in its economic outlook over recent decades and was hit heavily by de-industrialisation and the closure of the coal mines in the 1980s. Like other urban centres, Nottingham is divided along class and ethnic lines. These social divisions are also spatial. A white working class lives in the north of the city, while the centre of Nottingham is more ethnically diverse and populated by a variety of new and emerging ethnic communities, with areas of significant deprivation. Diverse communities live also in the south of the city. Recently, the Office for National Statistics (ONS) found that Nottingham was the poorest city of the UK.¹ While both Nottingham City Council and the local third sector contested these findings and in particular the methodology through which data were collected by the ONS, the question remains that Nottingham has struggled to keep the pace of economic change and was especially affected by the crisis of 2008 and ensuing austerity measures.

While a wide view on ESRs in general would be desirable, considering the time and resources available for completing this submission a choice was made following some preliminary conversations to focus on three themes of shared interest/competence amongst the authors, which also correspond to core ESRs:

- Decent work
- Housing
- Food

¹ See <https://www.bbc.co.uk/news/uk-england-nottinghamshire-44253245>.

We would like to stress that this report does not represent in any way an official corporate position of Nottingham Trent University.

Delivering ESRs in the UK

The Rapporteur in the Call for inputs has requested information related to the institutionalisation of ESRs, ranging from the combination of organisations, policies and laws in place for the fulfilment of ESRs, the actual functioning of this infrastructure, and experiences of implementation of ESRs.

In principle, there are laws and policies in place in the UK which aim to fulfil ESRs and these include the three rights examined in this report. This ensures that there is at least some state intervention around the provision of core goods and services that, while meeting the “needs” associated to ESRs, should also prevent people from falling into poverty. In fact, the United Private Hire Drivers union considers that compared to other countries human rights protection in the UK is much stronger. In the UK, like in other countries, the right to work is heavily regulated by the state. People facing unemployment or low wages are expected to receive state support through a variety of programmes, which recently have been unified in one Universal Credit scheme.

Responsibility for delivering rights around in particular housing and food has been heavily decentralised. Local authorities, for example, are expected to plan, build and regulate housing, including social housing. According to the Homelessness Reduction Act 2017, local housing authorities in England and Wales are also responsible for helping people who are either homeless or threatened with homelessness. The time-period with which they must legally act to assist someone threatened with homelessness has been increased from 28 to 56 days. This decentralisation of competences around ESRs is expected to be sustained by an interinstitutional coordination and, of course, proper transfers from the central state budget towards local authorities. The central state also regulates local taxation by imposing for example caps on local taxes.

However, the broader institutional framework for implementing ESRs is wanting under many respects. The experiences of activists and organisations involved in this report cast an important light on the concrete way in which the state multi-level organisation that should be delivering rights operates. What appears especially problematic is, first, the austerity that

has continued to characterise the UK approach to economic and social rights. Second, the delivery of ESRs is informed by a distinction about the categories of the “deserving” and “undeserving” poor and a larger workfare ideology typical of neoliberal capitalism. In such a context, several conditionalities are placed towards access to ESRs which we believe are at odd with the spirit and eventually the international law of human rights. These conditionalities respond more to a governmental priority over controlling and managing people’s behaviour, in a way that often fails to account for people’s vulnerabilities and basic needs associated to the respect, protection and fulfilment of human rights. This conditionality affects broad sections of the population, and combines with the ‘hostile environment’ directed at migrants to produce acute conditions of precarity for some groups.²

The experiences reported below touch upon distinct rights while also showing how these rights and both their violation and protection are deeply interdependent and indivisible. At the same time, these experiences cannot be separated from the broader, sometimes “difficult” economic and social context of Nottingham.

Work

The state regulation and protection of the right to work appear limited considering extensive precarisation and individualisation characterising different sectors of the job market and in particular the gig economy. The UK has among the weakest labour inspectorates in Europe, with less than 0.4 inspectors for every 10,000 workers, less than half the minimum recommended by the International Labor Organization.³ A central concern for Uber drivers, who make up much of the membership of United Private Hire Drivers union, is that they are not currently recognised by the company as workers, and are instead treated as self-employed, and therefore do not qualify for certain workers’ rights such as the National Minimum Wage or the National Living Wage, sick pay, paid parental leave or paid annual leave. This emphasises the need for a broader change in the legal framework and regulation of work and the labour market towards empowering workers and, as part of that, establishing clear distinctions around employment and self-

² Vickers, T. (2019). *Borders, Migration and Class in an Age of Crisis: Producing workers and immigrants*. Bristol: Bristol University Press.

³ <https://www.labourexploitation.org/news/uk-must-stop-blaming-migrant-workers-low-standards-and-instead-look-state>

employment that limit the capacity of companies like Uber to play existing rules to their own advantage.

The flexibility and fragmentation generated by the state regulation of work is sustained by competition between local authorities generated by the same state regulation. A key law affecting drivers in Nottingham is the Deregulation Act 2015, which allowed private hire drivers to register with one local authority and then work anywhere in England. There is a strong perception amongst members of United Private Hire Drivers union that deregulation has encouraged some city councils to lower their registration fees and relax their conditions to raise revenue through registrations by drivers from other cities, and this has made enforcement of the sector very difficult. Deregulation has combined with Uber's business model, which relies on signing up as many drivers as possible, to encourage an over-supply of drivers. Members of United Private Hire Drivers union in Nottingham also feel that there is a lack of attention to working conditions within current regulatory frameworks, and they suggest that local authorities could do more to promote rights at work by imposing conditions on the licences they grant to private hire operators. There is also a feeling that there is a culture of mistrust, where any driver who has a complaint made against them is treated by the local authority as guilty until proven innocent.

However, moving to a more traditional employment situation is not necessarily a solution, especially for workers 'stuck' in the lower segment of the labour market. Here, the wider social context in Nottingham also matters. Alternatives for most drivers are seen to include jobs in restaurants, takeaways, or as doormen or cleaners, all seen to be on minimum wage and with limited rights. The experience of United Private Hire Drivers union of those who are currently entering the private hire sector in Nottingham suggests that many are young and with limited English language. The union suggests that there is a common perception that people make a 'free' choice to go into private hire, but this neglects the lack of viable alternatives.

Housing

Poor functioning of the mechanisms that should guarantee the right to housing and the right to food are also visible in Nottingham. As people become unemployed or experience

casualisation in the employment pattern, they will face higher risks of falling into poverty and will have to turn to the state towards meeting their basic needs.

The role of city councils towards the fulfilment of the right to housing is crucial. Like other local authorities, Nottingham City Council does have its own institutions and organisations in place towards meeting the housing needs of residents. Housing Aid offers free assistance for anyone is either homeless or facing homelessness. Nottingham City Homes is an arms' length management organisation responsible for building and managing council homes.

At the same time, there is evidence that the Council is struggling with fulfilling the right to housing. It must be said that state austerity has substantively reduced the resources on which Nottingham and other city councils can draw in meeting their obligations in this area. Consider, for example, that in the context of shrinking transfers from the central state, Nottingham City Council cut £22 million from the 2019/20 budget. This included a £1.2 million cut of the budget of Nottingham City Homes.⁴ The Nottingham Housing Justice Forum reports figures by the homeless charity Shelter according to which there are over 400 children in Nottingham without a home. The United Private Drivers union itself is involved in the distribution of sleeping bags, sleeping mats and hot food to homeless people in Nottingham.

The Nottingham City Council has reacted to and resisted to the loss of funding in many ways. It has also addressed state policies that affect its capacity to fulfil the right to housing. Recently, the Council has expressed serious concerns about the Right to Buy scheme, which allows tenants in council homes to become owners of their homes at a sometimes very discounted price. As reported by local media, tenants may find this convenient and eventually "the only way" they can stay in the house. At the same time, as the Council notes, the scheme has significantly reduced over time the number of homes the Council can use to house people in need of accommodation.⁵

Eventually, arguably also because of poor funding, the Nottingham City Council has responded to some emergency situations in ways that appear less than acceptable for many

⁴ On budget cuts 2019/20, please see <https://nottmhousingjustice.wordpress.com/2019/02/27/nottingham-city-council-prioritising-profit-over-people/>.

⁵ See the Nottingham Post at <https://www.nottinghampost.com/news/nottingham-news/right-buy-scheme-discounts-high-2631452>.

residents, compromising potentially their right to family life. Nottingham Housing Justice Forum, in particular, gathered testimonies evidencing a worrying trend of parents being threatened with separation from their children because of their homelessness. This includes mothers who are homeless as a direct result of keeping their children safe from domestic violence. According to the Forum, it appears that in the past the Council also made false claims about empty council homes. Moreover, according to the Nottingham Housing Justice Forum the conditions in some of temporary homes are appalling and obviously violate tenants' human rights. The Forum has had direct knowledge of mothers who have been racially abused, families who have no access to cooking facilities and children who have suffered trauma as a result of living in temporary accommodation.

Under these circumstances, direct action appears a more valuable strategy for activists towards having human rights delivered in practice. For example, the Nottingham Housing Justice Forum has held regular protests at Council meetings and used the media to expose the Council's abuses. Past media appearances include TV, radio and the press, with diffusion at national and local scale. As part of the protests the Forum has been petitioning for an end to unsuitable temporary accommodation and for the Council to take whatever steps necessary to provide decent social housing for everyone who needs it. The Forum's biggest success was with a homeless mother called Lorraine and her family. Activists battled against Nottingham City Council to provide a decent stable home for the family after being threatened with eviction. They held numerous protests, collected petition signatures and met with several councillors. After a year-long battle, the family moved into a permanent council home in June 2018, a home which they had previously been told did not exist.⁶

Food

Problems can be found also in the institutional framework through which the right to food should be guaranteed. We approach the right to food starting through research on foodbanks and their users. Foodbanks are run by third sectors organisations, often with a religious ethos, although access to foodbanks is managed by public officials through a voucher system. Vouchers are given to those in need by people such as Job Centre workers, which can then be exchanged for a food parcel at the foodbank. Foodbank usage provides

⁶ On the case of Lorraine see <https://nottmhousingjustice.wordpress.com/2018/06/20/victory-lorraine-has-a-moving-in-date/>.

important insights into food poverty more widely, because it provides a last resort option for many people who have no other means of obtaining food.

A “need” for the right to food often emerges in connection with issues of employment or housing loss, as described above. This means that the right to food is strongly connected to the other rights to work and housing. As already testified in the submission of Bowe and Wakefield to the Rapporteur in the context of his recent visit to the UK, foodbank users are often people experiencing extreme poverty “beyond their control, e.g., ill health, job loss, family breakdown, caring responsibilities, homelessness, debt, and the increasing cost of living.”⁷

The same research highlights the poor functioning of the welfare benefit schemes that are supposed to prevent people from falling into poverty due to lack of employment and/or a home. Evidence is reported about the long time required for being transferred from one benefits scheme to another, e.g. from the Job Seekers’ Allowance to the Employment and Support Allowance, as well as the long time-period between application and payment. Equally problematic is that benefits appear insufficient to cover everyday expenses and bills. At the same time, participants in the research report variations in approaches from one governmental department or official to another, generating even more uncertainties for the users of these schemes in terms of their ability to access benefits on a regular basis.

Also, the case of foodbanks suggests that public officials may hinder the reach of third sector interventions insofar as they exercise some discretion in terms of who can benefit from these interventions. As we mentioned already, public officials are responsible for managing the foodbank voucher system. Qualitative data on foodbanks produced by Wakefield and Bowe for the present report suggest that while people know about foodbanks, “they don’t know that they can go to the advice bureau and get a voucher.” Second, the procedure for getting foodbank vouchers, while arguably aimed at preventing an abuse of the system, appears to users as “very convoluted,” time consuming and bureaucratic for no real purpose. This again suggests an intention to control users typical of

⁷ Wakefield, J., and Bowe, M. (2018). *Foodbank Use and Food Insecurity in the United Kingdom: Submission for the UN Special Rapporteur on extreme poverty and human rights*, p.5. This submission is associated with the following academic publication: Bowe, M., Wakefield, J. R., Kellezi, B., McNamara, N., Harkin, L., & Jobling, R. (2018). “Sometimes, it's not just about the food”: The Social Identity dynamics of foodbank helping transactions. *European Journal of Social Psychology*. Doi: 10.1002/ejsp.2558.

conditional approaches to welfare that drains energies and resources which could be more usefully invested in benefits and goods that fulfil people's ESRs.

Finally, the case of foodbank use illuminates the almost punitive governmental approach towards people receiving benefits, or those who are applying for them. Participants in the research conducted by Wakefield and Bowe discussed how they had been heavily sanctioned for minor issues like missing a benefits appointment without being given the opportunity to explain. The research also emphasises de-humanisation emerging from the cold, detached and bureaucratic approach to those who apply for or already benefit from welfare schemes. Eventually, this punitive approach adds itself to the hectic and improvised decisions taken by street level bureaucrats in relation welfare users and applicants, thereby creating a problematic experience for people most in need of ESRs. Unfortunately, there is no evidence that the recently introduced Universal Credit System (which incorporates different schemes) will improve on these aspects.

In this respect, the third sector appears not simply to collaborate in the delivery of the right to food, but to compensate for the deficiencies of the state institutions' failure to deliver human rights, including the right to decent work and housing. This compensation is quantitative, in the sense that it involves third sectors organisations providing resources, including volunteering hours given by foodbank workers. However, this compensation is also qualitative: volunteers inject more 'humanity' into the delivery of the right to food. Evidence provided for this report by Wakefield and Bowe provides plenty of examples showing how foodbank users feel that they have been treated with dignity by foodbank volunteers. The formal and cold atmosphere characterising the state apparatus is replaced by the informal and welcoming approach of foodbank volunteers to foodbank clients. These volunteers are clearly concerned with making people feel welcome, and moderate feelings of embarrassment and stigma that foodbank clients often experience.

Internalisation of ESRs

We understand internalisation of ESRs as the assimilation of these rights by people and institutions, leading both to understand themselves as rights-holders and duty-bearers, respectively. In many respects, the internalisation of human rights is a precondition for a "correct" functioning of human rights. As human rights are internalised, they are

subsequently engaged in conversations and actions around issues like decent work, housing and food. These, in turn, are understood as “objects” of human rights, which are regulated by the international law of human rights.

There is some evidence emerging from the experience of the authors of this report that rights are engaged in conversations about decent work, housing and food. The United Private Hire Drivers union, for example, has challenged in court Uber’s treatment of drivers as self-employed towards recognising to them the status of dependent employees and the benefits associated to this status. The union has in fact won several victories, suggesting that seeking policy change through litigation aimed at recognising and transforming labour rights is open to people. However, Uber is appealing this court judgement, which also suggests how progress achieved through courts is itself open to being challenged and reversed, and that there is a need for a different regulation of drivers and other people working in the new gig economy through a legislative intervention.

That said, there is no evidence of a systematic and organised engagement with the language and law of human rights emerging from the experiences and practices used for this report. As the state, through the public officials and street-level bureaucrats that sustain its administration, fails to speak and acknowledge human rights in conversation with users of services and benefits, it also ends up limiting people’s access to their rights by not providing adequate information or making the procedure for accessing rights too complicated and, to some extent, unpredictable. For the Nottingham Housing Justice Forum, social workers’ clients find themselves left in limbo, precisely because the City Council is failing to tell them their rights and duties in writing. Arguably also because of lack of awareness of and empowerment through rights, the Nottingham Housing Justice Forum reports the case of many homeless families, especially single mothers, who struggle to hold the City Council to account because they feel very isolated and intimidated. Finally, one may suggest that poor internalisation of human dimension of human rights explains the de-humanising treatment of foodbank users by public officials.

The fact, then, that the state does not draw on human rights makes reliance on human rights from activists and third sector organisations less than a priority. For example, the Nottingham Housing Justice Forum is familiar with human rights, particularly those surrounding shelter and housing. Yet, it rarely engages with them or refer to them because

the Nottingham City Council appears to act beyond and in disrespect of human rights. For the Forum, the Council is fully aware that decent housing is a right, and yet it is not prepared to take any meaningful action to provide it. In such context, as we have seen discussing the Forum's engagement with people facing homelessness and eviction, social mobilisation and direct action helps achieve rights in practice. The Forum is a *grassroots* campaign and believes that ultimately change will come from public pressure: from people organising together and taking a stand. In fact, even if adequate housing wasn't formally listed as a human right, the Forum would still be campaigning around housing issues.

By contrast, new sociological research on human rights focussed in particular on municipalities and the concept of human rights city suggests that when local government agents internalise and engage proactively with human rights, this may have a positive impact on how public agencies and services operate. In this vein, Nottingham City Council's statement about the Right to Buy scheme we have mentioned above shows how local authorities can sustain ESRs by addressing facts, issues and problems emerging from their locality (in this case, the shrinking number of council homes produced by the implementation of the scheme) which compromise the fulfilment of ESRs in the city. Eventually, the possibility emerges of a fruitful co-production of ESRs involving, on the one hand, activists and third sector associations and, on the other hand, those mayors, politicians, city executives and street level bureaucrats, executives and bureaucrats more sensitised to human rights, due to their personal biographies and/or the culture of their department and organisation. The same research shows that action can be taken in cities towards influencing the professional habitus of local government agents and enhancing the capacity of human rights to inform the policies and laws through which the city is governed.⁸

Conclusion

The present report suggests, in line with the conclusions reached by the Rapporteur during his visit to the UK, that the state of human rights in the country, including ESRs, has become critical. The case of Nottingham and of the right to decent work, housing and food show that the institutional framework for delivering ESRs in the UK, at the central and local scale, needs to be improved and eventually that human rights should inform more explicitly how

⁸ Grigolo, M. (2019). *The Human Rights City: New York, San Francisco, Barcelona*. London, New York: Routledge.

work, housing and food are delivered by the state and, as part of the same process, claimed by people towards making the state accountable to ESRs. At the same time, the report has identified the city as a strategic site for the institutionalisation and internalisation of human rights, emphasising the possibility of fruitful collaborations between activists, third sectors associations and local government agents around the fulfilment of ESRs.