



EQUALITIES AND DIVERSITY POLICY

**Policy reviewed and approved by
Management Committee at a
Meeting held on 24th September, 2019
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CONTENTS

1. Introduction
2. Legal, Regulatory and Good Practice Framework
3. Policy Statement, General Principles and Protected Characteristics
4. Types of Discrimination
5. Positive Action
6. Risk Management
7. Communications in Alternative Formats
8. Promoting the Equality and Diversity Policy
9. Target Setting – Gender, Race, Age and Disability
10. Identifying Problems and Taking Remedial Action
11. Staff and Committee Responsibilities
12. Dissemination of Key Targets and Performance
13. Breaches of the Equality and Diversity Policy
14. Policy Review

1. Introduction

- 1.1 This document outlines the Association's Equality and Diversity policy. It updates the previous "Equal Opportunities Policy."
- 1.2 The policy is supported by an action plan which sets out what the Association will do on a day-to-day basis to help ensure that the policy's objectives are achieved and that the Association can be proactive in its work in equality and diversity
- 1.3 To help us ensure that those wishing to use our services, which includes the general public, tenants, and contractors as well as our employees, are clear about our commitment to equality of opportunity, the Association will:
 - a) Place a notice in the interview rooms promoting the policy's existence and that it is available in a variety of formats
 - b) Place a copy of the Policy on our website
 - c) Continue to ensure that staff and Committee receive appropriate training in the area of equality and diversity – we will conduct appropriate training in 2017 and bi-annually thereafter

2. Legal, regulatory and good practice framework

- 2.1 This Policy on Equality and Diversity takes account of legal, regulatory and best practice requirements, including (but not limited to):
 - a) The Equality Act 2010
 - b) Human Rights Act 1998
 - c) The Housing (Scotland) Act 2010
 - d) Section 9 of Raising Standards in Housing
 - e) The Scottish Social Housing Charter Outcome Number 1
 - f) Section 5.3 of the Regulatory Standards of Governance and Financial Management
 - g) "Getting the Balance Right"

The Equality Act 2010 consolidates much of the previous equalities-related legislation into one single Act. It therefore replaces, for example, the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

- 2.2 The Scottish Government published the Scottish Social Housing Charter in March 2012 and it came into effect on 2 April 2012. The Government's commitment to ensuring that RSLs behave in a way that promotes equality and diversity and seeks to eliminate discrimination is demonstrated by the fact that Outcome Number 1 addresses Equalities.
- 2.3 At the same time as the Charter, the Scottish Housing Regulator introduced the Regulatory Standards for Governance and Financial Management. Section 5 requires RSLs to "conduct their affairs with honesty and integrity and, within this, RS5.3 requires RSLs to pay "due regard to the need to eliminate discrimination, advance equality and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements".
- 2.4 The Management Committee wishes to be clear, however, that its work in equalities is motivated by a belief and commitment to ensuring equal opportunities for all, and to do all that it reasonably can in this regard.

The Equality Act 2010

- 2.5 The Equality Act 2010 is the main piece of legislation relating to equalities. It was passed by the Westminster Government and therefore applies throughout the UK. It has two main aims: the first is to standardise previous pieces of anti-discrimination legislation and the second is to strengthen and extend the law in a number of respects.

2.6 The National Housing Federation highlights the undernoted areas as the main ones in the Act likely to be relevant to RSLs as:

- protected characteristics (see section 3.2)
- the definitions of unlawful discrimination
- the disability related aspects
- the provision of goods, facilities and services
- positive action and the genuine occupational requirements
- employment related matters and pay reviews
- the duties to advance equality
- tackling socio-economic inequalities
- procurement

3. Policy statement, general principles and protected characteristics

3.1 The policy has two main aims:

- to ensure that no person, group of persons or organisation who deal with the Association in any way or who requires a service, assistance or advice from the Association, or who is employed by (or serves) in any capacity by the Association, is treated less favorably than any other person, group of persons or organization. In other words anyone who has any sort of contact with Kingsridge Cleddans Housing Association.
- to promote the policy so that anyone dealing with the Association in any capacity is made aware that the Association has a policy and that there is a zero tolerance of any act which contravenes the policy/policy principles in any way

3.2 We will seek to promote and to achieve equality of treatment and opportunity for all groups in society without discrimination or prejudice on any grounds. The Equality Act introduces the term “protected characteristics” to describe groups against whom any sort of discrimination is unlawful. Section 4 of the Act specifies nine protected characteristics:

- Age
- Disability
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Gender reassignment
- Sexual orientation

3.3 The Association is keen to emphasise that it will not tolerate any sort of unfair treatment or discrimination on any grounds. In addition to the above, therefore, our zero tolerance will be broadened (but not confined) to the following:

- National origin
- Cultural background
- Ethnic origin
- Tenure
- Issues related to literacy or numeracy
- Employment status
- Domestic circumstances

Each of the above is equally important, and we will take all reasonable steps to ensure that no discrimination, whether deliberate or inadvertent, occurs.

3.4 To help achieve the main aims as outlined in section 3.1, the Association has devised the following six statements, which will form the basis of the separate action plan.

- a) ensure that no one is discriminated against on the basis of any of the nine protected or seven other characteristics noted above
- b) ensure equality of opportunity and treatment for all people in relation to the provision of housing and non-housing services actively assist disadvantaged minority groups within the local community to benefit from its housing services

- c) ensure equality of opportunity and treatment for all people in relation to the employment of staff
- d) ensure that all staff are aware of the Association's commitment to, and obligations in relation to, equality and diversity
- e) be mindful of its equalities commitments in relation both to the procurement of contractors/consultants and to the composition and operation of the Management Committee

4. Types of discrimination

4.1 The 2010 Act contains seven types of discrimination, and these are discussed in sections 4.2

4.2 Discrimination

a) Direct Discrimination

This is less favorable treatment of an individual or group less favorably than others, and this treatment is because of a protected characteristic. An example of this would be to refuse to employ somebody because they had an impairment, which had no relevance to their ability to carry out the job they had applied for.

b) Associated Discrimination

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a non-disabled person is discriminated against because they need to take care of disabled dependent.

c) Discrimination by Perception

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

For example, a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the correct visa to work in the UK as they have a foreign looking name on their application form.

d) Indirect Discrimination

This is when an apparently neutral requirement or condition impacts adversely or has a disproportionate effect on a particular equality group. An example of this could be holding meetings at times which are inconvenient for people with child care responsibilities and not providing crèche facilities.

e) Harassment

This occurs when a person engages in unwanted conduct which is related to a protected characteristic, and which has the purpose or the effect of (i) violating the dignity of another person or (ii) creating for that person an intimidating, hostile, degrading, humiliating or offensive environment. An example might be displaying a topless calendar on a wall where this makes the workplace an offensive place to work for any employee.

f) Harassment by a Third Party

As an employer, the Association is potentially liable for the harassment of their staff or customers by people they do not themselves employ, for example a contractor or consultant.

g) Victimisation

This occurs when someone faces discrimination because she or he has made an allegation of unlawful discrimination or because of assisting or supporting a complainant. An example might be refusing to consider someone for a promotion because they gave evidence on behalf of a colleague who made a complaint of unlawful race discrimination.

5. Positive action

- 5.1 The Act outlines two types of positive action which, in certain circumstances, are permissible:
- General
 - Recruitment and Promotion
- 5.2 If the Association believes that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, then action may be taken to help overcome the disadvantage or address the needs. The Act points out that any action should be proportionate.
- 5.3 An example could be addressing imbalances in the workforce by encouraging members of under-represented groups to apply for jobs. Positive action may be applicable in setting equality targets aimed at encouraging people from a particular group or groups to apply for a vacancy in but no quotas will be specified.

6. Risk management

- 6.1 The Association recognises the potential risks should we fail to adhere to the Equality and Diversity Policy and/or the accompanying Action Plan. It is not only the Association's credibility that would be compromised, but that of the Management Committee should there be a major deviation from policy, and possibly even the sector as a whole. In order to combat this, Section 13 of this policy outlines the method of investigation that would be adopted should any allegation of a breach be made.

7. Communications in alternative formats

- 7.1 One of the ways in which people can be indirectly discriminated against is by information sometimes being inaccessible.

For example, a visually-impaired resident may not be able to read the allocations policy in the print size usually available. Similarly, someone whose first language is not English may not be able to communicate effectively with staff. This type of indirect discrimination is all the more important to address as it can often be inadvertent and there is perhaps more scope for it to occur.

7.2 To help combat this, the Association will provide information to customers in any special formats as required. Special formats may include:

- Large print
- CD
- Translations into community languages
- Use of language or sign interpreters
- Braille

Please note that it is impractical to have all possible formats available immediately. Our commitment therefore relates to the ability and willingness to produce documents in the formats required (or an interpreter if requested) within a period of three days. All costs in relation to this will be borne by the Association.

The Association are members of Happy to Translate

7.3 To ensure that this strategy is effective, the availability of documents in other formats will be publicised on our website and on the notice board within the interview rooms.

8. Promoting the equality and diversity policy

8.1 It is absolutely critical that the policy is promoted if it is to stand any chance of being successfully implemented. The level of interest in the policy will vary from one person to another depending on a whole range of factors. To help respond to this, we will promote the policy in the following ways:

- a) we will promote the policy review on our website.

- b) We will ensure that all new tenants are made aware of the Association's commitment to equality and diversity as part of the sign-up process
- 8.2 All employees, applicants for employment and contractors will be notified of the existence of the policy and will be asked to familiarise themselves with it within a week of it being approved.
- 8.3 Copies of the policy will automatically be provided for successful job applicants within their Induction and contractors being used by the Association, within the Application Pack.
- 8.4 Committee members will continue to receive on-going equality and diversity training and will be involved in approving the final document. All members will be encouraged to keep up to date with development in the area of good practice in equality and diversity.

9. Target setting – gender, race, age and disability

- 9.1 Whilst embracing the principles of equality and diversity is something that the Association takes very seriously, it is nonetheless important that there is some system in place to demonstrate that we actually achieve our objectives (or, perhaps more importantly, to highlight areas where we do not). In other words, we must ensure that this policy statement is not used merely to pay lip service to equality and diversity.
- 9.2 One of the ways of doing this is to develop a set of targets against which our performance can be quantified – we are not able at present to set targets for all protected characteristics groups (please see section 12). What is crucial, however, is that we set a range of targets that are realistic and achievable for the Association, otherwise the Committee risks a seemingly poor performance in this area.

- 9.3 It is proposed that we incorporate targets in the following areas within the Internal Management Plan and evaluate the position every twelve months, with figures being compared with the ARC.
- a) Increase the proportion of applications for housing from members of BME groups in line with current demographic figures
 - b) Increase proportion of existing tenants from members of BME groups to reflect the proportion of BME households on the housing list
 - c) Seek to address the gender and age imbalance and underrepresentation from people with disabilities
- 9.4 The most up-to-date Census information relates to the 2001 figures. It is widely accepted that demographic are constantly changing and the Census information is therefore increasingly unreliable for the purposes of equality action planning. Whilst we will take cognisance of the Census, we will also make use of other information that may be available, such as that from our own housing lists and those of the other local RSLs.

10. Identifying problems and taking remedial action

- 10.1 Because the Association is reviewing progress against the Equality and Diversity Action Plan on an annual basis, areas where there may be problems will be flagged up so that remedial action can be taken.
- 10.2 It is not possible to be prescriptive about how the Association should identify problems and take appropriate action in this policy statement as there are too many potential outcomes, all different from each other. The general process to be followed by staff is: -
- a) Advise Committee of the underachievement
 - b) Outline action already taken to achieve the objective

- c) Make suggestions for further action, in consultation with other RSLs who may have solved similar problems
- d) Agree refinements to the Equality and Diversity Action Plan and implement these

11. Staff and Committee responsibilities

- 11.1 Ultimate responsibility for ensuring that the Association conforms to the principles outlined in this policy and strives to achieve the targets set lies with the Management Committee.
- 11.2 Responsibility for ensuring that Committee is kept adequately informed of progress and alerted to any areas of underachievement lies with the Association's Director. It will therefore be the Director's responsibility to ensure the quality and completeness of information and recommendations being presented to the Committee.

12. Dissemination of key targets and performance

- 12.1 The Committee will consider an annual report on equality and diversity at its April or May meeting. This will be produced by the Director and will be based on the outturn figures to the end of March.
- 12.2 In May or June, this performance will be summarised in the "Annual Statement on Equality and Diversity". This will be distributed to all tenants and members by way of a newsletter and posted on the website.
- 12.3 The Association will report clearly on its performance, and this will include highlighting areas where targets have not been met.

13. Breaches of the equality and diversity policy

- 13.1 The Association has a policy of zero tolerance as far as discriminatory practices and breaches of equal opportunities are concerned.
- 13.2 Any allegations against a member of staff or Committee will therefore be investigated thoroughly by the Association's Director. If the allegation is made against the Director, the investigation will be conducted by the Chairperson and the most senior officer not directly involved.
- 13.3 Before the investigation begins, the Association will seek advice from Employers in Voluntary Housing. Unless there is very good reason not to, the advice of EVH will be followed. It is also advisable to contact the Association's solicitor.
- 13.4 The member(s) of staff/Committee member(s) should be advised of the allegations and informed of what action the Association is planning to take by way of investigation. They should also be advised to contact an independent representative, such as a solicitor or Trade Union representative.
- 13.5 The Association's disciplinary procedures should then be followed as appropriate.
- 13.6 If the allegation is against a resident of the Association's property, the Director should ensure that the solicitor is contacted for advice (there may be tenancy implications under certain circumstances).

14. Policy review

As a strategic document, the Association's Equality and Diversity Policy will be reviewed every three years. The next review will therefore take place in September, 2019.

As an operational document, the Equality and Diversity Action Plan will be reviewed by the Management Committee annually.