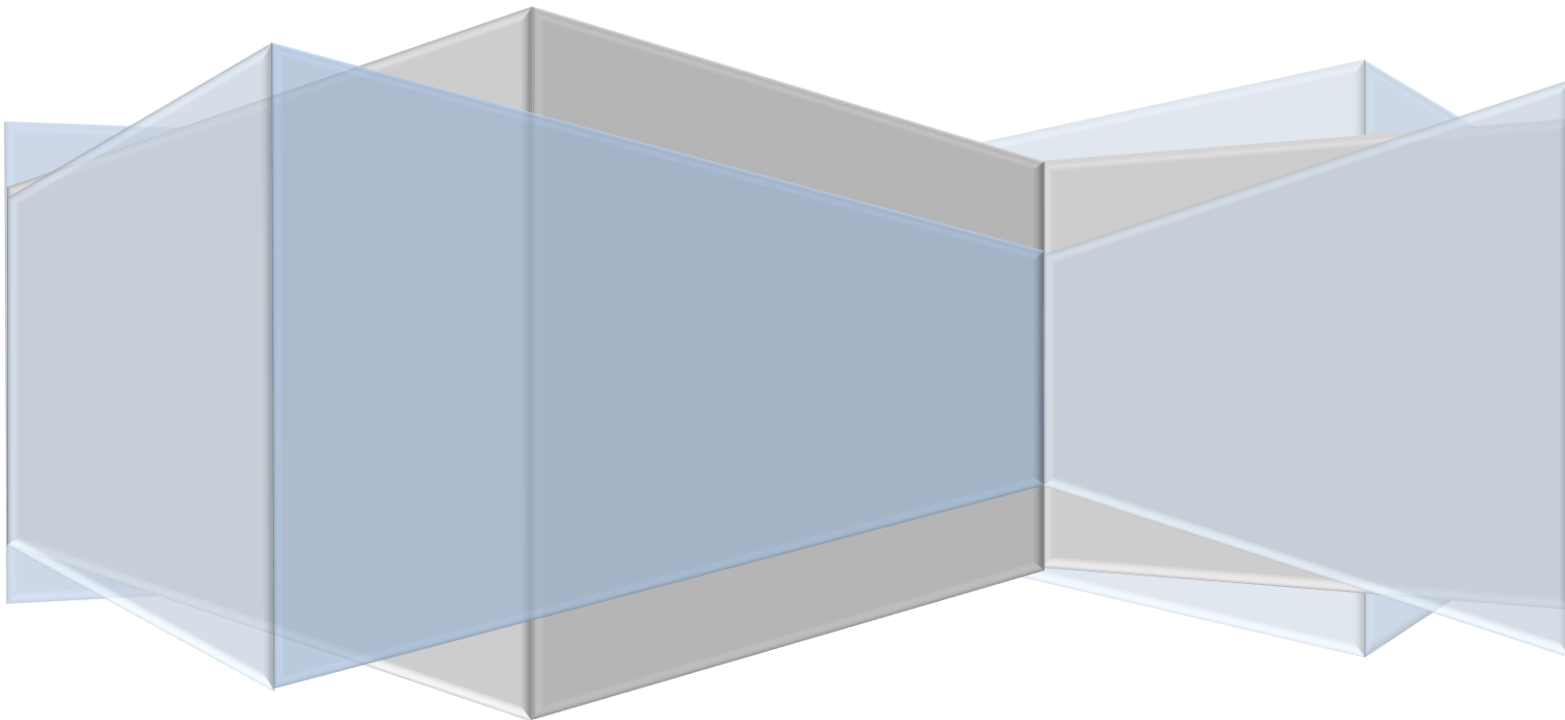




EQUALITY & DIVERSITY POLICY

October 2019



All Policies are available on tape, in braille and in translation in to most languages. Please ask a member of staff if you would like this policy in a different format

Date of Policy Review: October 2019
Date of Committee Approval: 19 November 2019
Date of Next Review: October 2022

SCOTTISH HOUSING REGULATOR STANDARDS	<p>STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p> <p>STANDARD 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. Its primary focus is the sustainable achievement of these priorities.</p> <p>STANDARD 4: The governing body bases its decisions on good quality information and advice, and identifies and mitigates risks to the organisation's purpose.</p> <p>STANDARD 5: The RSL conducts its affairs with honesty and integrity.</p> <p>STANDARD 6: The governing body and senior officers have the skills and knowledge they need to be effective.</p>
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1. Purpose of the Policy

- 1.1. This Policy describes how Cathcart & District Housing Association (CDHA) will promote equality and diversity in our service delivery and in the management of our organisation.
- 1.2. The Policy addresses the legal and regulatory requirements we must meet, and how we will translate our own mission and values into tangible outcomes that will benefit our customers, communities and employees.

2. Policy Objectives

- 2.1. CDHA's **overarching objectives** are as follows:

- To eliminate discrimination and advance equality of opportunity for all, in our role as a housing provider and employer.
- To treat all of our customers and employees fairly and with dignity and respect.
- To value and respond appropriately to diversity in our communities and in our individual customers and staff members.
- To show zero tolerance of harassment and hate crime.
- To promote tolerance and community cohesion in our neighbourhoods.
- To comply with legislation and seek to meet best practice standards.
- To encourage our contractors and suppliers to promote equality, respect diversity and prevent discrimination.

- 2.2. To help us meet these objectives, CDHA will:

- Require all of our staff and members of the Management Committee to show a positive commitment to equality and diversity.
- Develop good quality information about our customer base and individual customers, so that our services are accessible and responsive to all.
- Tailor our service delivery to meet the circumstances of individual customers, so that we provide equal outcomes and opportunities for all.
- Engage with, and seek feedback from, all sections of the community when we are developing or reviewing our services.
- Seek to ensure that our governance, management and workforce are broadly representative of the communities we serve.

3. The Association's Local Context

- 3.1. CDHA was formed as Cathcart Housing Association in 1978, and now provides 581 houses for rent.

Mission Statement: CDHA accepts the challenge to deliver comprehensive housing services which meet or exceed the needs and aspirations of our clients.

- 3.2. As a community-controlled housing association, CDHA aims to be accountable to - and representative of - the communities we serve.
- 3.3. In comparison with the south side of Glasgow as a whole, CDHA's tenant base includes high levels of older people, people from minority ethnic backgrounds, single person households, lone parents with children, and people who are not economically active.
- 3.4. As with all social landlords, there are gaps in CDHA's knowledge of some of the protected characteristics set out in the Equality Act 2010. This is particularly the case with more sensitive characteristics such as religion or belief, sexual orientation, marriage/civil partnership status and gender reassignment. Measures to address this are included in our Equality and Diversity Action Plan.

4. Legal and Regulatory Requirements

- 4.1. CDHA will meet all of its legal obligations as set out in the following legislation:

- The Equality Act 2010
- The Human Rights Act 1998 and associated European Union directives
- The Scotland Act 1998
- The Housing (Scotland) Acts 2001 and 2010

- 4.2. **Appendix 1** provides a commentary on each piece of legislation and what it means for CDHA. This section of the Policy provides a brief overview.

The Equality Act 2010

- 4.3. The Equality Act 2010 sets a UK-wide legal framework for protecting the rights of individuals and for advancing equality of opportunity for all. There are nine "protected characteristics" listed in the Act:

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

- 4.4. it is unlawful to discriminate against, harass or victimise a person because they

have one or more of the protected characteristics. When carrying out “public functions” – this term covers just about all of the services CDHA provides – CDHA must also comply with the **general equality duty** set out in section 149 of the Equality Act. The duty means that CDHA must:

- **Eliminate unlawful discrimination** (including direct and indirect discrimination and discrimination arising from disability), as well as harassment and victimisation.
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it.
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

Human Rights Act 1998

- 4.5. The Human Rights Act 1998 specifies that every individual has the right to enjoy the ownership of property; the right to respect for private life; the right to respect for family life; and the right to respect for their home. The Act provides protection against discrimination with regard to any of these rights and could affect many of the housing and other services that CDHA provides.
- 4.6. The European Convention on Human Rights contains articles setting out the rights that are protected, while alleged breaches of the articles are heard by the European Court of Human Rights (ECHR). It is likely that the status of the Act and the jurisdiction of the ECHR will change when the UK exits the European Union.

Scotland Act 1998 and Housing (Scotland) Act 2001

- 4.7. While equal opportunities is a matter reserved to the UK Parliament, the Scottish Parliament also has powers under the Scotland Act 1998 to “encourage and promote” equal opportunities. Equal opportunities requirements are written in to section 106 of the Housing (Scotland) Act 2001 which states that when providing housing and related services, registered social landlords (RSLs) must:

“ ... act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements” set out in the Scotland Act.

Housing (Scotland) Act 2010: Scottish Social Housing Charter

- 4.8. The Scottish Social Housing Charter, as approved by the Scottish Parliament, sets standards and outcomes that all social landlords should achieve when performing their housing activities. The refreshed Charter (April 2017) sets a number of equalities obligations to be met by social landlords:

- Performing all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
- Complying with equalities legislation.
- Understanding the needs of different customers and delivering services that recognise and meet these needs.

Regulatory Standards on Equality

- 4.9. The Scottish Housing Regulator (SHR) sets equivalent standards for the governance and financial management of RSLs in Scotland. The SHR's standards and guidance state that:

The RSL pays 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.

- 4.10 The Care Inspectorate set National Care Standards for Housing Support and these include

Equality and diversity

Your right to:

- live an independent life, rich in purpose, meaning and personal fulfilment;
- be valued for your ethnic background, language, culture, and faith;
- be treated equally and to live in an environment which is free from bullying, harassment and discrimination; and
- be able to complain effectively without fear of victimisation.

5. What CDHA Will Do: Equality and Diversity Commitments

- 5.1. This section of the Policy sets out the main actions CDHA will take to meet our obligations and objectives in relation to the Association's governance; service delivery; procurement; investment in existing and new homes; and staffing and employment matters. Specific priorities and actions are set out in greater detail in the Association's Equality and Diversity Action Plan.

CDHA's Equality and Diversity Commitments are to ...

Governance

- 1) Promote a culture that respects and promotes equality, diversity and inclusion.
- 2) Ensure that CDHA's Management Committee provides leadership and commitment, and makes resources available to achieve our equality objectives.
- 3) Encourage people from all sections of the community to become involved in membership of the Management Committee.
- 4) Maintain equalities profile information for CDHA, and take action to attract committee/board members from under-represented groups.
- 5) Provide all committee members with training on equality and diversity, along with periodic refresher training.
- 6) Ensure that all committee members sign and abide by the Code of Conduct.
- 7) Require all our Committee members to undergo equality training.

CDHA's Services

- 1) Comply with the Scottish Social Housing Charter.
- 2) Provide services that are accessible to all of our customers, including housing applicants.
- 3) Tailor our approach to service delivery, where needed, to take account of customers' individual needs.
- 4) Ensure that all CDHA staff have awareness of the issues that different customers may experience, and know how to respond to these issues in a person-centred and flexible way.
- 5) Ensure that CDHA's office premises are fully accessible to our customers, employees and visitors.
- 6) Take prompt action to address all instances of discrimination, bullying, harassment or victimisation.
- 7) Address equality issues in our policies and procedures for individual service areas (e.g. housing allocations, repairs, property adaptations, tenancy agreements, harassment).

Service Development and Consultation

- 1) Encourage and enable customers to help Shape our policies and service delivery.
- 2) Encourage input from underrepresented groups.
- 3) Be sensitive to the cultural, mobility and other needs of different groups when we are planning consultation events.
- 4) Identify the equality and inclusion impacts that significant changes to our policies and procedures may have, before they take effect.
- 5) Develop relationships with community/ interest/voluntary groups who can help us advance our commitment to equality and diversity.

Information and Communication

- 1) Meet requests for our policies and other documents to be made available in different formats or languages, wherever possible.
- 2) Make confidential, professional language and communication assistance available to customers who need this.
- 3) Offer help with filing out forms, where this is needed.

Understanding Customers' Needs and our Service Outcomes

- 1) Develop customer profile data, so that we can tailor our services to individual needs and also identify trends across our customer base as a whole.
- 2) Monitor the profile of who is/is not using our services and take action to remove any barriers.
- 3) Monitor the outcomes we are achieving, including customer satisfaction results.
- 4) Act as required upon any significant differences in the outcomes that different customer groupings may be experiencing.

Procurement

- 1) Ensure that contractors and suppliers have an acceptable Equality and Diversity policy, and, if not, that they are willing to work in accordance with CDHA's.
- 2) Consider the equality and diversity commitment and performance of contractors and suppliers in tendering and selection processes.
- 3) Make contractors aware of the diverse needs of CDHA's customers, so that they are equipped to meet these.
- 4) Set clear standards of conduct, so that all CDHA customers and staff are treated with courtesy and respect at all times.
- 5) Provide opportunities for smaller contractors and suppliers since these may be more likely to employ workers from ethnic minority groups.
- 6) Have systems in place to monitor the performance of our contractors and suppliers.

Investment in New and Existing Homes

- 1) Research and respond to the diverse housing needs in CDHA's communities, when planning new developments.
- 2) Provide quality new housing of the type and design people need.
- 3) Regularly review the condition of CDHA's existing homes, ensuring that residents' needs and aspirations are taken into account when we invest in their homes.
- 4) Carry out an ongoing programme of adaptations to existing homes, to meet the needs of tenants with disabilities or conditions that require changes to be

Staffing and Employment

- 1) Promote a culture that respects and promotes equality, diversity and inclusion within the workplace.
- 2) Treat all employees, whether permanent or temporary, full time or part time, fairly and with respect.
- 3) Ensure that all aspects of our procedures and practices are consistent with legislation and statutory guidance.
- 4) Operate in accordance with the EVH model terms and conditions.
- 5) Seek advice when required, to ensure that our practices are lawful and meet good practice standards.

Recruitment and Development

- 1) Aspire to have a workforce that broadly reflects the diversity of the communities we serve.
- 2) Advertise vacancies for permanent jobs internally and externally, wherever feasible.
- 3) Advertise and/or promote job vacancies to protected characteristic groups who are underrepresented within our workforce.
- 4) Appoint and promote staff objectively and on merit, based on their experience, ability and potential.
- 5) Monitor the profile of job applicants and successful candidates, based on the protected characteristics.

Harassment, Bullying and Dignity at Work

- 1) Ensure that no employee is subjected to any form of harassment or bullying by managers, co-workers or committee members.
- 2) Have adequate policies in place to cover issues relating to harassment and bullying

- 1) Ensure that all members of staff receive suitable training on equality and diversity, and that refresher training is provided periodically.
- 2) Require all of our staff members to undergo equalities training.

Staff Training and Commitment

The Workplace Environment

- 1) Make sure that our office premises are fully accessible to disabled colleagues and visitors.
- 2) Provide a workplace environment that meets the needs of all of our staff, making reasonable adjustments and adaptation where this is required.

Remuneration

- 1) Pay the Living Wage.
- 2) Use EVH salary scales to help ensure equal pay for equal work.
- 3) Ensure fairness and transparency, if we are conducting job evaluations that will result in changes to gradings and pay.

6. Gathering and Using Information about our Customers and Staff

6.1. Systems for collecting information and monitoring performance are a key part of this Policy, since good data help us to achieve our objectives and provide a more responsive service.

6.2. The Scottish Housing Regulator's 2016 thematic inquiry into the "Use of Equality and Diversity Information by Scottish Social Landlords" recommends that social landlords should take the following actions:

- Review their data collection for the equality elements of the ARC (ethnicity and disability), so that submissions are complete as far as reasonably possible and minimise the number of "unknowns";
- Use equalities data to help inform their understanding of the individual needs of their tenants and other service users;
- Consider whether satisfaction surveys – with the permission of the relevant tenants – could be used to gather specific information about the opinions of those with particular equality characteristics; and
- Use equalities data to tailor and target their approach to communicating with tenants and other service users.

6.3. CDHA will address – and go beyond – these recommendations. Specifically, SHR's reporting requirements are currently based on only two out of nine Equality Act protected characteristics, although this is due to be reviewed following the introduction of the 2019 version of the Scottish Social Housing Charter.

6.4. CDHA's data collection systems will seek information about **all nine protected characteristics**, for the following groups:

- (membership of the Association)
- Management Committee members
- Staff members
- Existing Tenants
- Applications and appointment of staff and volunteers
- Applicants on the Housing List
- New lets or re-lets

6.5. We will collect information from customers at the following stages:

- **Housing Applicants and New Tenants**

Housing application (failing which housing offer or tenancy sign up, failing which settling-in visit)

- **Existing Tenants**
- Programmed visits to all tenants

6.6. In asking for co-operation, we will make clear that the customer can choose not to provide some or all of the information requested. We will also explain clearly the reasons for asking for the information and how it will be used, i.e. the data collected will help CDHA to:

- Understand the needs of individual customers, so that we can provide a better service that meets the customer's needs.
- Identify any areas of possible discrimination and plan our services in a way that meets our equality and diversity objectives.
- Meet our legal duties to prevent discrimination and promote equality.

6.7. As part of our Action Plan, we will review the effectiveness of our systems for collecting and analysing equality and diversity information. This will include consideration of what improvements are possible as part of our commissioning of new software systems for housing management.

7. Policy Implementation and Management

7.1. The Management Committee is responsible for approving this Policy, and for overseeing its implementation. The Director and Management Team have operational responsibility for policy implementation, and for reporting to the Management Committee the outcomes CDHA is achieving, trends in customer complaints, and any changes in CDHA's legal obligations.

7.2. Every employee and Committee member must always act in accordance with the Association's core values and ensure that this Policy is applied in practice. Failure to do so may result in disciplinary action.

7.3. Wherever practical, CDHA will reflect our equality and diversity objectives in how we work, as shown in our Equality and Diversity Commitments.

7.4. This Policy will be approved by the Management Committee. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

Appendix 1

Key Legislation Relating to Equality, Diversity and Inclusion

The Equality Act 2010

- 1.1. The Equality Act sets a UK-wide legal framework for protecting the rights of individuals and for advancing equality of opportunity for all. It replaces previous “stand alone” legislation on issues such as sex discrimination, equal pay, disability discrimination and race relations to provide a single legal framework. The UK-wide Equality and Human Rights Commission (EHRC) publishes a range of statutory codes of practice as well as non-statutory guidance, to help ensure the Act is put into practice effectively.
- 1.2. The Equality Act uses the term “**protected characteristics**” to describe the groups that have legal protection from discrimination. The protected characteristics listed in the Equality Act are as follows, along with a brief description of each:

Age

Refers to a person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

Disability

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

(source: EHRC website, information posted April 2017)

1.3. Under the Act, it is unlawful to discriminate against, harass or victimise another person because they have one or more of the protected characteristics. This applies to:

- How CDHA - **as an employer** - treats our staff and people seeking employment with us, and
- How CDHA – **as a provider of housing and related services** - treats anyone who receives or seeks access to our properties and services.

1.4. CDHA must also comply with the **general equality duty** in Section 149 of the Equality Act. The duty applies to housing associations if they are carrying out what the Act terms “public functions”. The public functions carried out by CDHA and other RSLs include matters such as the allocation of housing, transfer and exchange of properties, setting rent levels, complaints procedures, tenant participation, consulting and informing tenants, setting the terms of tenancies, the termination of tenancies, and dealing with antisocial behaviour.

1.5. When carrying out public functions, CDHA has a legal obligation to:

- **Eliminate unlawful discrimination** (including direct and indirect discrimination and discrimination arising from disability), as well as harassment and victimisation
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it
- **Foster good relations** between people who share a protected characteristic and people who do not share it

- 1.6. The Equality Act is supported by **the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012**. RSLs are not listed authorities under the Regulations, so do not have an obligation to comply with them. There are a number of good practice areas that CDHA will reflect in its policies and working practices where this can be achieved in a proportionate way, such as:
- Publishing this Policy and the associated Equalities Plan
 - Assessing the impact of key policies and practices on different equalities groups
 - Gathering and using information about the profile of job applicants and of our staff in relation to development and retention.

Human Rights Act 1998

- 1.7. Good housing is a basic human need. It supports good health and opportunities for individuals and contributes to sustainable places and quality of life for communities.
- 1.8. The Human Rights Act 1998 provides for an individual to have the right to own and enjoy the ownership of property; the right to respect for private life; the right to respect for family life; and the right to respect for their home. The Act provides protection against discrimination with regard to any of these rights.
- 1.9. There are many aspects of CDHA's role in providing housing and housing services that could be affected by the Human Rights Act. For example:
- Housing allocations
 - Tenancy agreements
 - Housing conditions
 - Aids and adaptations
 - Rent arrears and other breaches of tenancy conditions
 - Anti-social behaviour
 - Relationship breakdown
 - Tenancy termination, successions and evictions
- 1.10. Pre-Brexit, the United Kingdom is party to the European Convention on Human Rights which contains articles setting out the rights that are protected. Breaches of the articles are heard by the European Court of Human Rights.
- 1.11. The Equality and Human Rights Commission has published a guide for social landlords on complying with the Human Rights Act. Our housing services team will refer to the guide, as required.

Scotland Act 1998 and Housing (Scotland) Act 2001

- 1.12. Although Equal Opportunities is reserved to the UK Parliament, the Scottish Parliament and Government also have powers to "encourage and promote" equal opportunities under the Scotland Act 1998. This is notable for two reasons:

- **Firstly, the Scotland Act uses a different (and in some respects wider) definition of equal opportunities than UK legislation**

The Act refers to "*the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions such as religious beliefs or political opinions.*"

- **Secondly, equal opportunities duties for RSLs are written into Scottish housing legislation**

Section 106 of the Housing (Scotland) Act 2001 states that when providing housing and related services, "*registered social landlords must act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements*" set out in the Scotland Act.

Housing (Scotland) Act 2010: Scottish Social Housing Charter

- 1.13. The Scottish Government, through the Scottish Social Housing Charter (the Charter), sets standards and outcomes that all social landlords should aim to achieve when performing their housing activities.
- 1.14. The Charter took effect from 1 April 2012 and was revised in April 2017. It states the following obligations relating to equalities that all social landlords must meet:
 - Performing all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
 - Complying with equalities legislation.
 - Understanding the needs of different customers and delivering services that recognise and meet these needs.

Regulatory Standards on Equality

- 1.15. The Scottish Housing Regulator (SHR) sets equivalent standards for the governance and financial management of registered social landlords (RSLs) in Scotland. The SHR's standards and guidance state that:

The RSL pays 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.