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| <b>Date Issued</b>      | October 2006   |
| <b>Last Reviewed</b>    | August 2023  |
| <b>Department</b>       | Corporate  |
| <b>Title</b>            | <b>Equality &amp; Diversity Policy</b>   |
| <b>Objective</b>        | To describe our arrangements for making sure that we apply the principles of Equality & Diversity in all our activities. |
| <b>Responsible</b>      | Chief Executive  |
| <b>Next Review Date</b> | August 2028  |

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## **1.0 Introduction**

- 1.1 We are committed to promoting an environment of respect, understanding, encouraging diversity, and eliminating discrimination by providing equality of opportunity for all. We have a consistent approach to promoting equality and diversity across all areas of our work and will ensure that the same principles are also embedded in all areas of work undertaken by those working on behalf of the Association.
- 1.2 Equality means making sure people are treated fairly and given fair chances. It is not about treating everyone in the same way but recognising that different needs may have to be met in different ways.
- 1.3 Diversity means valuing individual differences. We are committed to valuing and managing people's differences to enable all our employees, Management Committee and Board members to contribute and realise their full potential. We recognise that people with different backgrounds, skills, attitudes and experiences, can bring fresh ideas and views that will enhance our organisation and services.
- 1.4 We have an Equality & Human Rights Strategy which outlines our commitment to ensuring we deliver services in a way 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.
- 1.5 This Policy sets out our aims, how we will implement equality and diversity and how we will monitor performance.

- 1.6 All employees are required to abide by this policy which also covers discrimination by and towards members of the public, Management Committee / Board Members, contractors and staff from other agencies. We oppose all forms of unlawful discrimination.

## **2.0 Legal, Regulatory and Good Practice Framework**

### **2.1 Legislation**

- 2.1.1 This policy is compliant with the Equalities Act 2010 and promotes a culture of dignity and respect for all. The Act specifies nine protected characteristics which are the grounds on which discrimination is prohibited by law. Claims of discrimination cannot be made on any grounds other than:

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

- 2.1.2 We also comply with the:

- Housing (Scotland) Act 2010
- Human Rights Act 1998
- Data Protection Act 2018 and the UK General Data Protection Regulation

## 2.2 Scottish Social Housing Charter and Regulatory Framework

We comply with the requirements of the Scottish Social Housing Charter, Outcome 1 which states: 'Social Landlords perform all aspects of their housing services so that:

- They support the right to adequate housing
- Every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receive is fair access to housing and housing services

2.2.1 The Scottish Housing Regulator has published regulatory standards that every social landlord must: *'Have assurance and evidence that it is meeting all of its legal obligations associated with housing and homelessness services, equality and human rights ...'*

2.2.2 The Regulatory Framework specifies that this requires social landlords to collect equality information in respect of the protected characteristics for their new and existing tenants, applicants, staff and Management Committee members. Each social landlord must: *'Have assurance and evidence that it considers equality and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.'*

2.2.3 Currently we do not need report on equalities and human rights through the Annual Return on the Charter, however we report that we meet the Regulatory Framework through the submission of an Annual Assurance Statement each year.

2.2.4 We also comply with the Regulatory Standards of Governance and Financial Management which states: *the RSL pays due regard to the need to eliminate discrimination, advanced equality and human rights, and fostered good relations across the range of protected characteristics in all areas of its work, including its governance.*

## 2.3 Equality Data Collection: National Guidance for Scottish Social Landlords

2.3.1 Equality Data Collection Guidance was produced in 2021 (and updated June 2022) by the SFHA, GWSF, ALACHO and the Scottish Housing Regulator to support social landlords in Scotland to implement legal and regulatory requirements relating to equality data collection. We meet the requirements of this guidance through the software we developed to collect this data.

### 3.0 Types of Discrimination

There are seven types of discrimination we need to be aware of:

- **Direct Discrimination**  
This means treating someone less favourably than others based on a protected characteristic
- **Indirect Discrimination**  
This can occur where a policy, procedure or practice applies to everyone in the same way, but might disadvantage a particular protected group, and cannot be objectively justified
- **Associated Discrimination:**  
This is discriminating against a person because they have an association with someone with a protected characteristic (for example, a person is discriminated against because of the action they need to take to care for a disabled dependent)
- **Perceptive Discrimination**  
This is when a person is discriminated against because the discriminator **thinks** the person possess a protected characteristic (for example, a person is not shortlisted for a job because the recruiter assumes that they don't have the correct Visa to work in the UK because of the name on the application form)
- **Harassment**  
This is conduct that violates a person's dignity or creates an intimidating, hostile degrading, humiliating or offensive environment (the intention of the perpetrator is irrelevant; it is the impact on the individual which determines whether harassment has taken place)
- **Victimisation**  
This is treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint
- **Positive Action**  
This means addressing imbalances, for example in the workforce by encouraging members of under-represented groups to apply for jobs (positive action may be applicable in setting equality targets)

#### **4.0 Policy Principles**

- 4.1 This Equality and Diversity policy aims to:
- 4.2 Ensure that all employees, Management Committee members, tenants, stakeholders and other customers are treated with fairness and respect and are not discriminated against or disadvantaged by any conditions or requirements which cannot be shown to be relevant.
- 4.3 Ensure integration of equality and diversity practices into everything we do and ensure that everyone we deal with is treated with fairness and respect by everyone else with whom we have a connection.
- 4.4 Provide an environment appropriate to the needs of those from all walks of life and offer a culture that respects and values each other's differences and promotes dignity, equality and diversity.
- 4.5 Ensure that we take positive steps to remove any barriers by making reasonable adjustments, so that someone with a disability is able to receive the same services as far as possible as someone who is not disabled.
- 4.6 Set out our commitment to Equality Impact Assessments and data gathering.
- 4.7 Set out how we will publish statistics on protected characteristics and complaints related to equality issues.

#### **5.0 Implementation of the Policy**

- 5.1 All staff are responsible for the policy's day to day implementation and are expected to abide by our Code of Conduct at all times.
- 5.2 We will ensure that all new employees, Management Committee and Board members receive induction on this policy. Thereafter, regular refresher training will be provided. The policy will be widely promoted and integrated into all our policies and procedures. A copy of the policy will be available on [elha.com](http://elha.com).
- 5.3 We will make sure that existing staff receive appropriate training and guidance to promote equality and diversity, and that this is repeated at regular intervals.
- 5.4 As part of our commitment to equality and diversity, we have adopted a Disability Policy Statement, which has been approved by the Employment Service as a Disability Symbol User (see our HR Equalities & Diversity Policy for more information).

- 5.5 We have produced an Equalities & Human Rights Strategy and an Equalities Action Plan and, if required, will set a budget for its implementation. The Action Plan will be regularly reviewed by the Governance Standards Working Group and an annual report will be submitted to the Management Committee as part of the development of the Annual Assurance Statement.
- 5.6 Our Governance Standards Working Group, which normally meets three times a year, will oversee the implementation of our Equality & Human Rights Strategy and Equalities Action Plan and ensure compliance with regulatory standards.
- 5.7 All of our staff, Management Committee and Board members have a responsibility to be alert to discriminatory behaviours and practices if they occur. Unacceptable behaviour and practices should not occur, however if a situation arises it will be dealt with immediately. Breaches of the Equality and Diversity policy will be regarded as misconduct which could lead to disciplinary action which may include dismissal, or removal from the Management Committee / Board.

## **6.0 Access to Services**

- 6.1 We will, as far as practical, make sure that everyone has equal access to our premises, and that our homes comply with the provisions of the Equality Act 2010.
- 6.2 We will take positive action to make sure that all members of the community are aware of the services we provide and how to access them.

## **7.0 Provision of Services**

- 7.1 In providing and managing housing and delivering services to customers, we will ensure equality of opportunity in relation to the quality of housing, access to housing, policies relating to harassment and nuisance, provision of services and complaints. We will tailor services to individuals' needs and treat them with respect.
- 7.2 In developing new houses, we will provide housing wherever possible that complies with the basic criteria of Housing for Varying Needs. We will continue to support positive action to address identified housing needs within equality groups and to provide housing opportunities reflecting the diversity of the local population.
- 7.3 We will ensure that all written material we produce is clear, simple and jargon-free. In preparing written material we will ensure that the content is open and inclusive and does not discriminate against any group or individual.
- 7.4 We will ensure that the content of elha.com is easily accessible to all our service users and stakeholders.

- 7.5 On request, we will provide alternative communication methods where reasonable to do so, such as arranging interpreting and translation services (we are members of Happy to Translate), or considering other accessibility requirements, where this is required.
- 7.6 We recognise that harassment is a serious breach of tenancy and if it occurs we will make sure that it is dealt with appropriately in accordance with our Antisocial Behaviour policy.
- 7.7 We will engage in regular consultation with service users and encourage tenants to be involved in our activities.

## **8.0 Contracting Role**

- 8.1 We will ensure that all contractors we use comply with relevant Health & Safety, employment and Equality & Diversity legislation. More detail is given in our Procurement Policy.
- 8.2 When we receive an application to our list of contractors or consultants, we will ask the applicant to provide a copy of their Equality & Diversity policy or confirm that they will abide by our policy.

## **9.0 Governance**

- 9.1 We aim to ensure that membership and participation in our affairs is open to everyone.
- 9.2 We will provide training to our Management Committee and Board members on equality and diversity awareness and practice as required by the Management Committee Training Plan (informed by the annual Training Needs Assessment).

## **10.0 Our Role as an Employer**

- 10.1 We are Full Members of Employers in Voluntary Housing (EVH). We have a separate Equality and Diversity Policy in relation to HR, which is based on the EVH Model.
- 10.2 Given the comprehensive nature of this separate HR Policy, and that significant areas of it relate specifically to HR, we have not set out a summary within this Policy Document, other than to note that we are committed to ensure we uphold the values of our general Equality and Diversity Policy in all aspects of our role as employer.

**11.0 Discrimination, Harassment and Victimisation**

- 11.1 The right to be treated equally with dignity and respect extends to everyone with whom we work, including our tenants, applicants, employees, outside contractors, Management Committee / Board members and other agencies whilst at work. We have a clear, open and accessible Complaints Handling Policy, as well as a Dignity at Work Policy.
- 11.2 We will deal with complaints of harassment, victimisation or discrimination of tenants either through our Anti-Social Behaviour Policy or our Complaints Handling Procedure.
- 11.3 We will deal with complaints of victimisation, harassment or discrimination sensitively and effectively aiming to ensure a satisfactory outcome for the complainant and that appropriate corrective action is taken to avoid the behaviour giving rise to the complaint is not repeated.

**12.0 Employee and Management Committee Responsibilities**

- 12.1 Whilst we aim to maintain high standards in equality and diversity, we recognise that the existence of a policy in itself does not guarantee or provide equality in access, opportunity or outcome, and that the success of the policy depends on the degree of commitment in practice of all Management Committee / Board Members and staff.
- 12.2 The Management Committee / Board has the overall responsibility for ensuring that this policy is implemented across all areas of our activities.
- 12.3 The Chief Executive is responsible for the day-to-day implementation of this policy and is responsible for ensuring that all staff implement the policy. Staff are also responsible for ensuring that our policies, procedures, publications, information material, advertisements and application forms do not contain any statements or conditions which would breach this policy.
- 12.4 We expect all Management Committee/Board Members and staff to:
- Apply the policy in their activities and work for the Group
  - Challenge any discriminating behaviour they become aware of
  - Report to a manager or to the Chief Executive, any instances of actual discrimination



### **13.0 Equality Impact Assessments**

13.1 Under the Equality Act 2010, Public Bodies are required to carry out Equality Impact Assessments (EIAs), and the Scottish Housing Regulator has stated that it would expect Registered Social landlords to do so. We will carry out Equality Impact Assessments when we review relevant policies and practices, taking account of the equality data that we collect.

### **14.0 Data collection and Evidence**

14.1 Equality data collection lies at the heart of quality services. The benefits of collecting such data can include:

- Promoting positive customer care strategies
- Enhancing tenant participation opportunities
- Meeting specific business objectives

14.2 To ensure we are delivering services which meet the outcomes of the Social Housing Charter and comply with regulatory requirements we need to understand our tenants, applicants, staff and Management Committee characteristics and any needs they may have. This will allow us to provide better services to our customers and promote diversity.

14.3 We collect and analyse information in following ways:

14.3.1 Every three years we carry out an independent Tenant Satisfaction Survey with face to face surveys of around 50% of tenants. As part of this, we ask equalities monitoring questions. This information is anonymised, i.e., it is not held against individuals.

14.3.2 We have developed Gold Standard digital software to collect equalities information about our tenants through their My Home account. Those tenants not signed up to paper free services receive an annual letter and anonymised survey form. Tenants can waive their anonymity and advise us of any specific personal needs or characteristics which will help us to ensure they have appropriate access to our services.

14.3.3 We have also developed Gold Standard equalities data collection software for our Digital Lettings Service, These Homes, which is shared by a number of landlords throughout Scotland (known as The Collective). All information collected from applicants is also anonymised. The development of this software was overseen by a Data Protection Consultant. A Data Protection Impact Assessment was carried out and a joint Appropriate Policy for processing of special categories of personal data was developed.

- 14.3.4 On an annual basis, we will collect equalities information from staff and Management Committee members. Any staff or Management Committee member can waive their anonymity and advise us of any specific personal needs or characteristics which will help us to ensure they have the correct support in place to carry out their role
- 14.4 These information sources also inform our Equality Impact Assessments which then impact on policy development. Our Management Committee will review the outcomes from such assessments when considering policy reviews, to identify any inconsistencies and analyse the data to identify any service gaps or areas of concern or discrimination.

## 15.0 Monitoring and Reporting

- 15.1 The Chief Executive is responsible for monitoring the application of this policy.
- 15.2 We will monitor information relating to protected characteristics in relation to:
- Recruitment and employment of staff
  - Housing applicants
  - New and existing Tenants
  - Management Committee / Board membership
- 15.3 We will publish statistics on the nine protected characteristics on our P365 microsite and in our Housing Management Annual Review.
- 15.4 We collect equalities information when we recruit and this will be reported to the Management Committee as and when required.
- 15.5 The Chief Executive will provide an Equality & Diversity Action Plan report to the Management Committee on an annual basis.
- 15.6 **Appendix 1** is a Summary Statement of our Policy which we publish on elha.com.

## 16.0 Policy Review

- 16.1 The Chief Executive will ensure that this policy is reviewed every five years and any recommended changes must be approved by the Management Committee. The absence of such a review will not cause it to lapse.

## Equality & Diversity Policy

### Summary for Issue as a Public Statement

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We are committed to promoting an environment of respect and understanding; encouraging diversity and eliminating discrimination by providing equality of opportunity for all in the following activities:

- Admission to the housing register
- Allocating housing
- Provision of all services to tenants and other customers
- Appointment of Consultants and Contractors
- Handling of comments and complaints
- Recruitment of Association members
- Recruitment of Management Committee / Board Members
- Recruitment and employment of staff, and all aspects of their Terms and Conditions of Employment

We are committed to complying with all current anti-discrimination law, regulation and good practice.

We aim to ensure that in all our policies, procedures and management decisions there is no discrimination on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation or on any other grounds.

We will provide information in alternative forms for those requiring it, for example translation into other languages where required.

As part of our commitment to Equality & Diversity, and in compliance with the Equality Act 2010, we have adopted a Disability Policy Statement and have been recognised by the Employment Service as a Disability Symbol User.

A full copy of our Equality & Diversity Policy may be obtained from the Association's offices at the address above.

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**Brian Logan, Chair**

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**Martin Pollhammer, Chief Executive**