

*at home with...*



# Equality and Inclusion Policy

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## **1. Introduction**

- 1.1 Fife Housing Association Ltd (FHA) is committed to promoting an environment of respect and understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all.
- 1.2 In addition to our statutory responsibilities, we are keen to create safe and inclusive neighbourhoods and an environment where people can live without experiencing any form of discrimination or harassment.
- 1.3 We oppose all forms of unlawful discrimination and we expect all colleagues, volunteers and representatives, regardless of position or seniority, to be aware of how their own behaviour may affect others and to take responsibility to actively challenge or report all forms of discrimination, harassment and victimisation in the workplace and in the local community.
- 1.4 Throughout FHA there will be a consistent approach in promoting equality and diversity across all areas through the entire employment relationship from the recruitment process to termination and references to the end service delivery to our tenants.
- 1.5 All colleagues are required to abide by this policy which covers all areas of our operations, both in employment and the provision of our services.
- 1.6 This policy also covers discrimination by and towards members of the public, Board members, contractors and colleagues from other agencies.

## **2. Background**

- 2.1 Tackling inequality is not something new. UK Governments have been addressing equality and diversity issues for many years.
- 2.2 Although progress has been made, inequalities still exist in Scotland and within the UK. As the Government continues to tackle discrimination, promote equality, address inequalities and inconsistencies that were present in the previous discrimination legislation, the Equality Act 2010 was introduced. The introduction of the Act saw previous discrimination legislation abolished and replaced with one single piece of legislation, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.
- 2.3 We recognise our responsibilities under the Equality Act 2010 and are committed to meeting them in full. We believe that a culture that embraces equality, values diversity and promotes inclusion will help to ensure that everyone feels involved and included in our plans and activities.

### 3. Legal and Regulatory Framework

#### 3.1 Legislation

3.1.1 This policy will promote a culture of dignity and respect for all. The legislation particularly relevant to this policy includes:

- Equality Act 2010;
- Human Rights Act 1998; and
- Housing (Scotland) Act 2010

#### 3.1.2 Equality Act 2010

The Equality Act 2010 consolidates much of the previous equalities-related legislation into one single Act. The Act has two main aims: the first is to harmonise previous pieces of anti-discrimination legislation and the second is to strengthen and extend the law in a number of respects.

#### 3.1.3 Human Rights Act 1998

The Human Rights Act 1998 confers rights and freedoms granted by the European Convention on Human Rights. The rights protected by the Act include the right to:

- life;
- respect for private and family life, home and correspondence;
- freedom of religion or belief;
- freedom of expression; and
- peaceful enjoyment of your possessions.

#### 3.1.4 Housing (Scotland) Act 2010

Section 39 states: Encouragement of Equal Opportunities - social landlords, when performing housing services, must act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being relating to equal opportunities.'

#### 3.2 Regulatory requirements

The Scottish Social Housing Charter (2017), sets out the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. 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 Outcome 1 of the Charter which states:

***Outcome 1: Equalities*** - Social landlords perform 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.*

3.3 This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation. It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these.

### 3.4 Regulatory Standards of Governance and Financial Management

At the same time as the Charter was introduced, the Scottish Housing Regulator introduced the Regulatory Standards for Governance and Financial Management:

Standard 5 - The Registered Social Landlord (RSL) conducts its affairs with honesty and integrity and 5.3 The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance".

3.5 The SHR also promotes equality impact assessments through the regulatory requirement to:

"Have assurance and evidence that (each social landlord) 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."

3.6 Each social landlord, therefore, should carry out equality impact assessments of their policies and practices, taking account of locally generated equality data.

## 4. General Data Protection Regulation (GDPR)

4.1 We will treat your personal data in line with our obligations under the current data protection regulation and our own policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

## 5. Definitions

5.1 Lack of equal opportunities is not only a serious moral issue but also has a significant impact on business performance. Studies have shown that high levels of motivation are achieved in an environment of respect and fairness.

5.2 FHA will aim to ensure that all colleagues are treated with fairness and respect and not be discriminated against on the grounds of marriage & civil partnership, sex, race, disability, age, religion or belief, gender reassignment, pregnancy & maternity and

sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance.

- 5.3 We will, therefore, ensure all colleagues are provided with equality of opportunity in the course of their employment starting from recruitment.
- 5.4 **Diversity** - this is about valuing individual differences. The Group is committed to valuing and managing people's differences to enable all colleagues to contribute and realise their full potential. We recognise that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit us and our customers.
- 5.5 **Equality** - this is making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but recognises that their needs are met in different ways.
- 5.6 **Protected Characteristics** – equality focuses on those areas covered by the law, and described as the protected characteristics:
- Age;
  - Disability;
  - Sex;
  - Sexual orientation;
  - Marriage and Civil Partnership;
  - Race;
  - Religion or Belief;
  - Gender Reassignment and
  - Pregnancy and Maternity
- 5.7 Types of Discrimination
- 5.7.1 **Direct Discrimination** - this is treating someone less favourably than others based on a protected characteristic as detailed at 5.6.
- 5.7.2 **Indirect Discrimination** - a policy, practice, procedure, provision or criteria that applies to everyone in the same way but might disadvantage a particular protected group, and which cannot be objectively justified in relation to the job.
- 5.7.3 **Harassment** - unwanted behaviour related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive working environment. The intention of the perpetrator is irrelevant; it is the impact on the individual which determines whether harassment has taken place.
- 5.7.4 **Victimisation** - 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.

- 5.7.5 **Positive Action** - 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. No quotas will be set by FHA but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in FHA in comparison to the local community where they are under-represented.
- 5.7.6 **Failure to make Reasonable Adjustments** - where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.
- 5.7.7 **Associated Discrimination** - discrimination against a person because they have an association with someone with a protected characteristic.

The person does not have the protected characteristic but they are treated less favourably than others because of a protected characteristic of a friend, spouse, partner, parent, or another person to whom they are associated, e.g. non-disabled person is discriminated against because of the action they need to take to care for a disabled dependent.

- 5.7.8 **Perceptive Discrimination** - discrimination against a person because the discriminator thinks the person possesses that characteristic, e.g. 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.
- 5.8 **Colleagues**  
All permanent, temporary, fixed term colleagues and agency workers.
- 5.9 **Stakeholders**  
Contractors, consultants, tenants, customers, service users and other outside agency workers.

## 6. **Responsibilities: the Association as an Employer**

- 6.1 Our Equality and Diversity Policy aims to:
  - 6.1.1 Ensure integration with equality and diversity practices into all FHA does, and ensure that colleagues are treated with fairness and respect by each other and by members of the public, the Board, and contractors.
  - 6.1.2 Require FHA to implement fair and just employment practices ensuring that no job applicant or colleague will receive less favourable treatment on any grounds.
  - 6.1.3 Ensure people are recruited, and colleagues promoted, solely on the basis of their own merit, experience, ability and potential. This applies throughout the entire duration of employment as all decisions will be based only on relevant merits.

- 6.1.4 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.
- 6.2 Responsibility/Accountability
  - 6.2.1 The Business Leadership Team is responsible for the policy's day-to-day implementation.
  - 6.2.2 FHA will ensure that all new colleagues and Board members will receive induction on this policy. The policy will be widely promoted and integrated into all policies and procedures within the Association. Copies of the policy will also be freely available and displayed in our office.
  - 6.2.3 Appropriate training and guidance will be available to promote equality and diversity among colleagues.
  - 6.2.4 This policy applies to everyone in FHA and everyone has a responsibility to be alert to discriminatory behaviours and practices should they occur. Unacceptable behaviour and practices must 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 and will lead to disciplinary action which may include dismissal.
- 6.3 Recruitment and Selection
  - 6.3.1 It is FHA's policy that all recruitment decisions will be based completely on the merits and abilities of candidates alone and no other criteria will be used. In order to achieve this, equality and diversity practices will be integrated into every stage of the recruitment and selection process.
  - 6.3.2 A fair recruitment process will remove barriers to the employment of people from different backgrounds. This will enable FHA to recruit from the widest pool of talent, potentially raising the standard of their intake and, therefore, increasing the opportunity of a more diverse workforce which reflects the community it is serving. A more diverse workforce will improve our service delivery, as it will include colleagues with more knowledge and experience. This in turn will help meet the needs and aspirations of current and potential service users.
  - 6.3.3 To highlight FHA's commitment to promoting equality and diversity from the beginning of the employment relationship, all vacancies will be aimed at as wide a group as possible. The information contained in the advert and all vacancy literature will be clear and accurate to attract the most appropriate candidates from all groups across society, to allow them to decide their own suitability for the vacancy and whether they wish to proceed with applying.



For those that wish to apply, FHA will ensure that all applications have clear instructions for completion and application forms will be free from personal questions that are not relevant to the vacancy and that may lead to discrimination.

6.3.4 We will ensure all colleagues involved at any stage in the recruitment and selection process will receive equality and diversity awareness training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unknowingly by asking any questions which may lead to discrimination.

6.3.5 We will provide adaptations and support, as far as reasonably practical, to enable candidates to attend for interview.

#### 6.4 Terms and Conditions of Employment

6.4.1 As part of the employment relationship being covered under this Equality and Diversity Policy, all contracts of employment will be issued in accordance with the job role and not the job holder. Colleague terms and conditions will be standard across all colleagues regardless of any of the protected characteristics.

6.4.2 Colleagues will not receive less favourable terms and conditions for any reason other than relating specifically to the job role and the grade it attracts.

#### 6.5 Training and Development

6.5.1 Equality and diversity will apply throughout all training activities and resources. Training and development opportunities will be given to all colleagues according to their job role, in both full and part-time posts. It is crucial that all colleagues are able to participate and enjoy any training opportunities or activities without discrimination or fear of harassment. Every attempt will be made to ensure learning materials will provide a positive image of people reinforcing an image of equality of opportunity.

#### 6.6 Redundancy Selection

6.6.1 Redundancy selection will be made according to the statutory requirements and in line with FHA terms and conditions of employment. The criteria will be set out and will be objectively fair and consistent. This will ensure that colleagues selected for redundancy are selected according to the chosen selection criteria and not in any discriminatory way either indirectly or directly.

### 7. **Responsibilities: Housing Services**

#### 7.1 Access

7.1.1 FHA will take positive measures to ensure that all members of the community are aware of the services we provide, including the availability of housing stock.

7.1.2 We will seek to eliminate discrimination and ensure that all people benefit equally from our services. We will do this by:

- Ensuring our application process is easily understood and support will be provided to applicants;
- Providing information about the application process in different formats;
- Making sure that our office is accessible to all applicants and other customers; and
- Ensuring that our colleagues are appropriately trained and have the skills required to provide a fair service to our tenants.

7.1.3 We will have maximum openness about what we are doing, and ensure that all policies and procedures are openly and widely advertised.

7.1.4 FHA will provide tenants will full, clear and accurate information about their particular tenancy in compliance with the law and good practice guidelines. This information will be accessible to all. An oral explanation will also be given at the start of the tenancy. Tenancy agreements will not contain any unduly restrictive or unnecessary conditions.

7.1.5 We will avoid being seen as inaccessible to those in housing need and take any necessary action as reasonably practical to meet these, e.g. access for disabled people and appropriate opening/closing hours. We will ensure that no communication barriers are put in place or maintained.

7.1.6 All application forms and materials published will be in simple jargon-free language and where appropriate, help will be given to fill out the relevant forms. FHA will be sensitive to people with difficulties in communicating. We can provide this document in other formats or different languages on request.

7.1.7 All people will have equal access to housing and will be treated equally when they become tenants.

## 7.2 Allocations Policy

7.2.1 Our Allocations Policy and procedures will be clear, comprehensive and unequivocally non-discriminatory, providing equal access to all. Our allocations procedures will be designed to deal quickly and fairly with applicants for housing. Proper recording, reporting, and monitoring procedures will be carried out. To ensure accountability and fairness, more than one person will be involved in each decision.

7.2.2 The will avoid being seen as inaccessible to those in housing need. As a result, we will keep our waiting list open and encourage applications to be submitted and assessed throughout the year.

7.2.3 Copies of our Allocations Policy and procedures will be available and accessible to all.

## 7.3 Nominations and Referrals

7.3.1 Referral arrangements will be established with appropriate agencies. When considering an application from such an agency we will ensure that the agency's Equality and Diversity policy is consistent with our policy. We will monitor referral arrangements for accessibility to all groups and meet regularly with the referral agency to review results and decide appropriate remedial action, where necessary.

7.3.2 This process will be used to assist the Association in meeting the housing needs of all groups and to raise awareness of changes in these needs.

#### 7.4 Rent Arrears

7.4.1 All rent arrears will be dealt with sensitively and fairly. The Association has policies and procedures highlighting the importance of arrears prevention, and action for control and recovery.

### 8.0 **Responsibilities: Repairs and Maintenance**

8.1 We will ensure that our properties are in good repair and that installations are maintained and in proper working order to ensure that properties are fit for human habitation, and that no defect places any person in potential danger.

8.1.2 Where cause for complaint arises, attention will be paid to tenants' complaints concerning disrepair and service provision, including seeking to ensure that tenants are able to report their complaints in their own languages.

8.1.3 We will seek to ensure that all tenants receive the same quality of service. FHA will, however, be mindful that certain groups (such as older people), may be more vulnerable and consequently will be given priority on certain types of repairs.

8.1.4 Publicity materials on maintenance and repairs will reflect contractual and legal rights and will be available where possible in suitable format.

#### 8.2 Contractors/Consultants Compliance

8.2.1 FHA will ensure that any consultants, contractors or suppliers that we appoint either have an acceptable Equality & Diversity policy of their own or are willing to adopt this policy. We will continually monitor and review the contractors/consultants performance in relation to equal opportunities as part of our regular contractor meetings.

8.2.2 In addition to complying with all current statutory and good practice requirements, we will ensure that all consultants, contractors or suppliers will be treated fairly and will not be discriminated against either directly or indirectly. In particular, this will relate to the selection process and our Procurement policy.

8.2.3 Any harassment or discrimination by contractors, consultants or suppliers will lead to investigation and possible removal of their services.

## 9.0 **Responsibilities: Governance**

### 9.1 Association and Board Membership

- 9.1.1 Membership of FHA is a voluntary decision and we will seek to ensure that membership of FHA and participation in our activities is open to all and that we do not discriminate against any groups or individuals. We will ensure that all shareholding members of FHA have equal opportunity to be nominated for, and elected to, the Board.

## 10. **Complaints: Employees**

- 10.1 Where a complaint is made against an employee by another employee, Board member or stakeholder, it will be investigated and dealt with under the FHA Terms and Conditions of Employment.

## 11. **Complaints: Board Members**

- 11.1 If a Board member feels they are in receipt of inappropriate behaviour from another Board member, an employee or any stakeholder in connection with the Group, they should raise this immediately with the Company Secretary or Board Chairperson. The manager will discuss the issue with whom the complaint is against, explaining the required standards of behaviour and the consequences of failing to comply.
- 11.2 Where a complaint is made against a Board member, FHA's Complaints Procedure/ Code of Conduct will be used as appropriate. The complaint will be investigated by the Chairperson or another authorised person. If it is found that the inappropriate behaviour occurred, the Board member will be warned and informed of the consequences of failure to comply with the expected standards of behaviour, which may include removal from the Board.

## 12. **Complaints: Stakeholders**

- 12.1 The right to be treated equally with dignity and respect extends to outside contractors, partners, service users, customers and any other agencies that are associated with FHA. Therefore, stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by the Group and appropriate action will be taken.
- 12.2 Where stakeholders are in receipt of inappropriate behaviour from a colleague of FHA, a Board member or another stakeholder in connection with the Group's business, the stakeholder should also raise the issue with their lead contact. The lead contact will then investigate the complaint and deal with it in accordance with the appropriate procedure (depending whether the complaint is against an employee, a Board member, a contractor, a partner, etc.).

### **13. Roles and responsibilities**

- 13.1 Responsibility for monitoring the application of this policy will rest with the Business Leadership Team.
- 13.2 Equality & diversity impact statements will accompany all policies approved by the Board of Management.

### **10. Performance management**

- 10.1 Key performance indicators will be captured and reviewed by the ARC Improvement Group on a monthly basis.
- 10.2 The Action Plan will be reviewed annually by the Board of Management.

### **11. Review**

- 11.1 This policy is due to be reviewed every three years.

## Appendix one - Action Plan

A vital part of this Equalities and Diversity policy is to develop a set of actions to support the objectives that have been outlined.

Progress of this plan will be reported to the Board and the Business Leadership Team annually.

<b>Corporate Commitment</b>			
Objective	Action / Task	Person(s) Responsible	Achieved/Completed
Adopt a clear corporate vision and commitment for equality and diversity	Produce an Equality and Diversity policy that is understood throughout the organisation	Business Leadership Team (BLT)	
	Provide training to all colleagues to ensure awareness of equality and diversity	/Operational Leadership Team (OLT)	
	Promote our commitment to equality and diversity to our customers	Director of Operations	
	Use all opportunities to raise awareness and publicise	Director of Housing	
		Director of Housing	

<p>Meet Scottish Social Housing Charter's Equalities Standard</p> <p>Partnership Working</p>	<p>Board adopt the Equality and Diversity Policy</p> <p>Gather equality information from our tenants and colleagues</p> <p>Implement a Policy to incorporate monitoring arrangements on: lettings, racial harassment, governing body membership and colleague data.</p> <p>FHA will work with other agencies to promote equalities within Fife.</p>	<p>Board</p> <p>BLT/OLT</p> <p>BLT/OLT</p> <p>BLT/OLT</p>	
<b>Governance</b>			
<p>To ensure that the Board is as representative as possible</p>	<p>Monitor Board representation</p> <p>Actively encourage under-represented groups to consider joining the Board</p> <p>Advertise in newsletters the role of the Board and the opportunities both this and Share Membership of the Association can bring</p> <p>Childcare facilities are available for Board Members to attend meetings and other Association-related events</p> <p>Transport provision is available for Board Members to attend Meetings, and other Group-related events</p>	<p>Company Secretary</p>	
<b>Resident Involvement</b>			
<p>Maximise and develop opportunities to work with under-</p>	<p>Encourage BME residents to become share members and consider joining the Board or Service Improvement Group</p>	<p>Director of Housing</p>	

represented groups	Engage with residents with special needs and ensure they have access to our information		
Ensure all tenants have access to our information	<p>Commitment to provide information in various formats and languages, also audio and Braille if requested</p> <p>Provide transport for residents to enable attendance at meetings</p> <p>Establish a resident database to allow us to positively target residents with special needs</p> <p>Provide induction loop at reception and meetings</p>	Director of Housing	
Maximise opportunities for residents to comment on services	<p>Ensure questionnaires are in large print or other formats where we are aware of residents' needs</p> <p>Review our complaints reporting procedures in order that they are accessible to all</p>	Director of Housing	
<b>Operations</b>			
<p>Housing allocations are dealt with in accordance with our equalities principles</p> <p>Adaptations</p>	<p>All applications for housing will include an Equal Opportunities Monitoring form, and applicants will be encouraged to complete this. This information will be collated and used for statistical and reporting purposes.</p> <p>We will ensure our Complaints policy is accessible and easy-to-use</p> <p>Any allegations of racial abuse or harassment will be dealt with as an emergency</p> <p>We will maintain an up-to-date database of all our adapted stock</p>	Director of Operations	



Repairs and Maintenance	<p>The Association will adapt properties where funding is available, to enable tenants with disabilities to continue living in their home</p> <p>Information on the service will be made available in various formats on request</p> <p>The service will be available 24 hours of every day</p>		
<b>Procurement/New Developments</b>			
Contractors  Standards for Housing	<p>All contractors employed will require to present an Equalities Policy or adopt the Group's policy</p> <p>New build housing will be specially adapted for tenants needs where possible</p>	Director of Finance, Governance and Asset	