



# Equality Policy

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<b>Contents</b>	<b>Page</b>
Section 1: Organisational strategic context	3
Section 2: Law and guidance	5
Section 3: Our equality policy charter	8
Section 4: Our equality strategy	10
Section 5: Equality training programmes	12
Section 6: Performance monitoring	13
Section 7: Promoting equality objectives (positive action)	15
Section 8: Consultation with tenants and other service users	17
Section 9: Complaint handling procedure	18
Section 10: Equality policy review	19
<b>Appendices</b>	
Appendix 1: Law and good practice	

Note: The Association is mainly referred to as “we” in this policy. Our equality policy is also referred to simply as “the policy.”

## **Section 1: Organisational strategic context**

### **1.1. Our strategic commitments**

New Gorbals Housing Association Limited has established various organisational policies to promote strategic objectives. These policies are known as governance policies. An important policy that is part of governance is the equality policy. This policy is concerned with promoting cultural values that promote social justice.

Our policy sets out the principles through which we will meet our commitments in practice. These principles are intended to achieve two main things, namely to:

- eliminate unlawful and unfair forms of discrimination; and
- promote equality objectives.

The policy is supported by a range of other specialist equality policies and procedures. This is explained in section 4.

A further objective of the policy is to incorporate equality issues throughout all of our housing services. This process is known technically as “mainstreaming” of equality. This is achieved, in practice, through the organisational equality action plan (“action plan”). The action plan puts in place a process for ensuring that equality objectives are incorporated into work practices in a structured and comprehensive manner.

### **1.2. Policy charter**

The key section within the policy is our equality policy charter. This charter sets out the equality policy principles that we promote throughout all services; this includes employment services and services to tenants and other service users. The policy is divided into a number of sections that explain how individual charter policy principles will be implemented into practice. The policy is also drafted in sectional format that allows us to update the policy, as appropriate.

### **1.3. Summary**

The equality policy is a governance policy that is used to promote strategic values concerning social justice. In order to achieve this, the policy principles are incorporated throughout all housing services.

## **Section 2: Law and guidance**

Section 2 covers the following issues:

- the legal framework;
- the main regulatory standard; and
- other guidance.

It is emphasised that this section provides a plain language summary of specific legal provisions. It is not intended as a precise statement of the law. Appendix 1 provides further information about relevant legal provisions.

### **2.1. The legal framework**

The Equality Act 2010 is the main Act that addresses a diverse range of equality matters, including the rights of individuals and the duties of employers.

A very important concept within this Act is that of “protected characteristic; the protected characteristics are the grounds on which discrimination is unlawful.

The nine protected characteristics are:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Note: Harassment or victimisation of another person on these protected characteristics is also prohibited.

The Equality Act 2010 requires public authorities to meet the Public Sector Equality Duty. This Duty itself contains three elements, namely:

- eliminating unlawful discrimination;
- advancing equality of opportunity between persons with – and those without – a protected characteristic; and
- fostering good relations between persons with – and those without - a protected characteristic.

Although we are not defined as a public authority by the legislation, we must meet this duty when we carry out public functions. Public functions include activities such as the allocation of housing, estate management and so on.

## Example of meeting the Duty

This example illustrates how the Duty could be applied in practice using disabled and non-disabled persons as comparators.

- Eliminating unlawful discrimination (including harassment) against disabled people, for example, taking action to address verbal harassment of a disabled person with facial impairment
- Advancing equality of opportunity between disabled people and non-disabled people, for instance, by encouraging disabled people to apply for jobs in areas where they are under-represented
- Fostering good relations between disabled people and non-disabled people, for instance, by promoting appropriate language use that treats disabled people with respect

The Scotland Act 1998 is another key Act in respect of equality matters as it defines equal opportunities. The statutory definition is:

“Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, or 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”

(The **Scotland Act 1998**, Schedule 5, L2)

This definition is very important for our policy as it covers grounds such as social origin (or class) or personal attributes. We take these issues into account when monitoring if discrimination is taking place. Neither of these grounds, though, is covered under the protected characteristics in the Equality Act 2010.

Housing law is also important from an equality perspective as we must always “act in a manner to encourage equal opportunities.” This legal duty is contained in the Housing (Scotland) Act 2010, section 39.

## 2.2. The main regulatory standard

The Scottish Social Housing Charter has a specific standard that requires us to perform all aspects of our 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.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender re-assignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation. It includes landlords’ responsibility for finding ways

of understanding the different needs of different customers and delivering services that recognise and meet these needs.”

(Scottish Social Housing Charter, 2012)

### **2.3. Other guidance**

Guidance on a diverse range of equality issues is produced by the Equality and Human Rights Commission and many other organisations. Information is provided in Appendix 1.

### **2.4. Summary**

This section has summarised specific Acts that are important to equal opportunity. Reference has also been made to relevant guidance. The next section sets out our core equality policy principles.

## **Section 3: Our equality policy standards**

Our equality charter policy explains our main policy principles. These principles are applied to all housing services, including our employment services. The principles are presented in the form of succinct bullets.

Note: The term “customer” is used to refer to employees, Board members, tenants and other service users.

### **3.1. Our Equality Charter Policy**

We eliminate unlawful and unfair forms of discrimination and promote equality by:

- meeting relevant law and guidance concerning to equal opportunities;
- using an equality action plan to deliver our equality commitments into practice;
- gathering and assessing the equality data of customers; and using these data to provide appropriate services to our customers;
- providing accurate and quality information to address the needs of individual customers;
- working in partnership with a diverse range of organisations to promote our equality objectives;
- providing a range of equality training programmes appropriate to the roles of employees and Board members;
- monitoring how effectively we are meeting our equality objectives through our performance monitoring system;
- developing positive action programmes to promote access to housing and employment services in line with law and guidance;
- consulting with customers on our equality policy principles through internal methods, in particular through our tenant participation strategy; and
- reviewing the policy every five years, or earlier, for example, to address changes in law and/or good practice guidance.

### **3.3. Summary**

Section 3 is the most important section as it outlines the standards that we use to assess our performance. The equality charter principles are mainstreamed into service through the equality strategy that is now explained in section 4.

## **Section 4: Our equality strategy**

We implement our equality charter principles using our equality strategy that – apart from this policy – will include the following documents:

- equality action plan;
- accessibility policy;
- equality data collection policy;
- harassment policy; and
- appropriate language guide.

Each of these documents is explained to show how they link together.

### **4.1. Equality action plan**

The equality action plan is a process to implement equality principles throughout all organisational services. For instance, equality data collection is an important section to ensure that we can identify the specific needs of customers; while the section on policies and procedures ensures that documents can be assessed comprehensively. This assessment of organisational policies and practices to eliminate unlawful forms of discrimination is often referred to as an equality impact assessment.

The action plan also details lead officers responsible for carrying out particular equality activities; and time scales are set to do these activities.

Very importantly, the action plan is used to promote our organisational values – often known as “organisational culture.”

### **4.2. Accessibility policy**

This policy and related procedures use a range of quality standards against which we assess all of our public information, including IT systems. This enables us to provide services tailored to the needs of individual people. The standards cover issues such as:

- accuracy;
- design; and
- plain language.

### **4.3. Equality data collection policy**

This is an important part of our equality strategy as it sets out:

- why we gather equality data;
- how we gather equality data; and
- what we do with equality data.

Very importantly, this policy is based on our data protection policy so that equality data – as sensitive data – are processed confidentially and securely, as appropriate.

#### **4.4. Harassment policy**

This policy sets out the ways in which we address harassment, for instance, harassment involving relevant protected characteristics. The related harassment procedures cover possible remedies to address harassment, giving options to those affected by harassment. This policy adopts an “individual centred approach” and stresses the importance of providing individuals with accurate information about their rights and options available.

#### **4.5. Appropriate language guide**

This policy is a key part of our equality framework as it describes language that should be used to show respect to other people. This includes using language promoted in good practice guidance. For example, we promote the social model of disability, part of which involves using language that promotes the interests of disabled people.

#### **4.6. Summary**

We implement our equality standards through a comprehensive equality strategy that consists of various inter-dependent policies and procedures. This ensures that we use a holistic approach that promotes equal opportunities and social justice values.

## **Section 5: Equality training programmes**

### **5.1. Context**

Equality is fundamental if our policy objectives are to be met. This applies since training provides employees with the knowledge, skills and values needed.

Equality training also covers many issues so that different types of equality training must be linked to the roles and needs of employees and Board members. In practice, we assess these needs through our staff development review process so that appropriate training and learning is provided to individual staff.

### **5.2. The diversity of equality training**

Our training programmes cover a range of different although inter-related topics as follows:

- induction programmes;
- equality policy and equality action planning;
- law and guidance;
- consciousness raising, for instance, promoting awareness of the nature – and forms- of discrimination;
- policy training on our specialist policies such as our accessibility, policy; and
- Board Members' training, for example, assessment of equality reports to inform service delivery.

### **5.3. Other equality training**

Section 5.2. summarises the main areas of internal training. More detailed training may be provided for staff specialising in this area; and consultation with tenants and other service users might include particular training options.

### **5.4. Summary**

Our training is focussed and practical and linked to the roles of employees and Committee Members. Training is critical to the implementation of organisational values about equality and is essential if cultural values are to be promoted effectively.

## **Section 6: Performance monitoring**

### **6.1. How we manage performance**

We assess our service performance on an ongoing basis using **three** methods

The first method is gathering equality data as required to show we are meeting the Scottish Social Housing Charter and its related technical guidance. We produce yearly reports through what is called the Annual Return on the Charter (ARC).

The second method of assessing performance is through using equality performance indicators within our policies, as appropriate. For instance, we monitor lets to housing applicants taking account of the specific protected characteristics. Examples would include monitoring how many houses are let to disabled or non-disabled people; or to applicants from black and minority ethnic groups.

Finally, we consult with tenants and other service users to seek their views about our services. This includes equality related issues such as tenant views on the accuracy and clarity of our services.

### **6.2. Type of monitoring**

We use two types of equality monitoring methods, namely quantitative and qualitative monitoring.

#### **Quantitative equality monitoring**

This method of monitoring is used to assess our performance by reference to “numbers of things.” For example, we assess numbers of employees by reference to issues such as their sex or gender. This enables us to assess any matters of interest and then to take steps to address it. We might discover, for instance, that we have disproportionate numbers of women or men in particular jobs, or at certain levels. By knowing this, we can then implement actions to address any imbalances; this is explained in section 7.

#### **Qualitative equality monitoring**

This method of monitoring focusses on the quality of our services to make sure that we are meeting our quality standards. For instance, we monitor our public documentation to assess if it is accurate and accessible (produced in plain language, say, or in a range of formats). Qualitative monitoring also covers the quality of advice that we provide to tenants and other service users.

### **6.1. How we using equality data that we monitor**

We gather equality data for practical purposes only and wholly in line with the Data Protection Act 1998. Examples of why we gather data include: monitoring practice to ensure that no unlawful discrimination is happening; using data to provide services to

address the needs of staff, tenants and other service users; and assessing information to improve existing practices.

## **6.2. Summary**

Equality data are gathered by us to inform service delivery and to improve our organisational policies and practices, as appropriate. We gather data through a range of sources and ensure that equality information is processed confidentially in line with data protection law.

## **Section 7: Promoting equality objectives (positive action)**

### **7.1. How we promote our equality objectives**

Our equality strategy is concerned, not only with eliminating unlawful forms of discrimination, but also in promoting equal opportunities. Within the equality field of work, an important part of promoting equality objectives is known as positive action. Indeed, this is supported in the Equality Act 2010, as well as guidance.

Positive action involves activities that are intended to address historic patterns of discrimination against certain groups. For example, research studies show that certain groups have experienced discrimination in the workplace such as women being under-represented in senior posts or certain areas of work, or few disabled people working in the public sector compared to non-disabled people.

Positive action is not, it is stressed, the same as positive discrimination. Unlike positive action that is supported in law, positive discrimination is, in most cases, unlawful. This point is explained using the example about women in employment.

#### **Positive discrimination and positive action compared**

Positive discrimination could involve appointing a woman to a senior post in housing because an applicant is a woman; if this were the only criterion, this would be positive discrimination and not lawful.

Positive action, on the other hand, would involve promoting employment opportunities so that more women could apply for consideration. Any female applicant would, however, be appointed based on merit, not because of her sex.

Another example of positive action could include encouraging women to apply for jobs generally done by men such as working in the building industry.

### **7.2. Association initiatives to promote equality objectives**

We promote positive action initiatives through our individual policies and procedures; these cover employment and service issues. For example, we have appointed trainees from organisations working to promote the interests of disabled people and/or people from black and minority ethnic groups. These organisations are Glasgow Centre for Inclusive Living Equality Academy and Path (Scotland).

### **7.3. Summary**

In order to address a wide range of discrimination, we recognise the importance of acting pro-actively to promote equality objectives. For this reason, we incorporate positive action programmes into all relevant organisational policies to achieve this.

## **Section 8: Consultation arrangements**

### **8.1. What we consult about**

Housing law sets out what we are to consult about; this is supported in practice by consultation requirements within the Scottish Social Housing Charter. For example, we must publish a tenant participation strategy and consult on a diverse range of issues. These issues include certain policies and organisational services.

Information about our tenant participation is provided to all of our tenants and service users. This strategy describes the wide range of methods that we use to consult with other people. Examples include consultation in writing, meetings and focus groups.

Our strategy is based, not only on the law, but also good practice guidance. This means that we encourage consultation from a wide range of groups; and take account of equality issues to support consultation. For instance, to support disabled people to participate in policy meetings, we would make appropriate adjustments such as:

- providing accessible venues; or
- arranging for interpreting services.

It is stressed that consultation processes take account of all of the protected characteristics and would include things like:

- providing interpreters for people, as appropriate;
- avoiding meetings to consult on issues on religious holidays; and
- providing crèche facilities to support people with family care needs to attend meetings.

In terms of consultation with employees, on the other hand, this is covered in employment law and related guidance. An important part of our consultation process includes our employees.

### **8.2. Summary**

We promote consultation with employees, tenants and other service users. We do this through a wide range of methods, including consultation in writing, meetings, forums and working groups.

## **Section 9: Complaint handling procedure**

We use a complaint handling procedure that was developed for housing associations throughout Scotland. This complaint system was developed by the Scottish Public Services Ombudsman.

In line with housing law, we provide all tenants with detailed information about our complaint policy when they become tenants. We also advise all service users about their right to complain.

A complaint is defined as being:

“An expression of dissatisfaction by one or more members of the public about the housing association’s action or lack of action, or about the standard of service provided by or on behalf of the housing association.”

## **Section 10: Equal opportunity policy review**

We review our organisational policies every five years, or earlier if required. For example, the equal opportunity policy may require to be reviewed sooner if law or guidance changes occur.

## **Appendix 1: Law and good practice**

The main Act that governs our activities is the **Equality Act 2010**.

We also take account of other laws that cover equality issues.

Examples are noted below, although this list does not cover all laws on equality matters.

### **Housing law (public sector)**

Housing (Scotland) Act 2010

### **Examples of other law relating to equality matters**

Offences (Aggravation by Prejudice) (Scotland) Act 2009

Disabled Persons' Parking Places (Scotland) Act 2009

Equality Act 2006

Human Rights Act 1998

Scotland Act 1998

General Data Protection Regulations 2018

Protection from Harassment Act 1997

### **Regulatory standard: Outcome 1**

Scottish Government (2012) **Scottish Social Housing Charter**, Edinburgh: Scottish Government.

### **Relevant research**

Dr Montgomery, S, 2011, A critical assessment of factors that are necessary for the effective implementation of equality rights within services provided by Glasgow's housing associations, Master of Philosophy Thesis presented to UWS

### **Good practice guidance**

Good practice guidance is varied and this section lists some of the main guidance that we take into account.

CIH (2010) **Equalities and Diversity in housing**, CIH Scotland

CIH (2009) **Equality, Diversity and Good Relations in Housing**, Good Practice Brief, CIH.