



RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION

EQUALITIES & HUMAN RIGHTS POLICY

ALL OF THE ASSOCIATION'S POLICIES AND PUBLICATIONS CAN BE MADE AVAILABLE IN LARGER PRINT, AUDIO FORM, BRAILLE OR OTHER LANGUAGES AS REQUIRED AND APPROPRIATE.

For further details please contact the office on 0141 647 4917 or by email at info@randcha.co.uk

Purpose	To ensure the Association promotes equality, fairness and respect in all of its actions and demonstrate its commitment to the principles of equality and to eliminating discrimination.
Regulatory Requirements	Standard 5: The RSL conducts its affairs with honesty and integrity
Regulatory Guidance	Guidance 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 works, including its governance arrangements.

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1.0 INTRODUCTION

Rutherglen and Cambuslang Housing Association embraces the ethos and principles of equality, diversity, human rights and social justice and is committed to ensuring that it promotes and practices these in all its activities. It also takes a zero-tolerance approach to any form of discrimination or harassment both within the office environment and in the delivery of its services.

The Association's Equalities & Human Rights Policy is a public statement of these commitments and sets out the key principles that it strives to incorporate throughout the organisation and the services it delivers.

2.0 LEGAL & REGULATORY REQUIREMENTS

2.1 The Equality Act 2010

The Act is the main piece of legislation that protects individuals from discrimination both in the workplace and in society in general. It sets out 9 "protected characteristics" on which discrimination is unlawful. Under the Act it is unlawful to discriminate against, harass or victimise an individual or group on the basis that they have one or more of these nine protected characteristics.

Under Section 149 of the Act the Association must also meet the Equality Duty which requires that, when carrying out its public functions, it shows "due regard" to the need to;

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristics and people who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

2.2 The Human Rights Act 1998

The Act specifies that every individual has the right to;

- Own and enjoy the ownership of property
- Respect for private life
- Respect for family life
- Respect for their home

It provides protection against discrimination with regard to any of these rights and therefore has an impact and influence on many of the housing and other services the Association provides.

The Equality & Human Rights Commission guidance for social housing providers refers, in particular, to 3 of the articles contained within the act when providing services namely;

Article 6 – Right to a Fair Trial

Article 8 – Right to Respect for Private life, Family Life and the home

Article 14 – Prohibition of discrimination

(Ref: Human Rights at Home)

2.3 The Scotland Act 1998 and the Housing (Scotland) Act 2001

Although Equal Opportunities is a matter reserved by the UK Government, the Scottish Government also has the powers to “encourage and promote” equal opportunities under the Scotland Act 1998.

Section 106 of the Housing (Scotland) Act 2001 requires that registered social landlords must “act in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunities requirements” set out in the Act.

2.4 The Housing (Scotland) Act 2010

The Act established the Scottish Housing Charter which sets standards and outcomes that all social landlords in Scotland should aim to achieve when delivering their housing related services and states that landlords must;

- Perform all aspects of their housing services so that every tenant and other customers has their individual needs recognised, is treated fairly and with respect and receives fair access to housing and housing services
- Comply with equalities legislation
- Understand the different needs of different customers and deliver services that recognise and meet these needs

2.5 Regulatory Standards

The Scottish Housing Regulator’s standards and guidance requires that a landlord “pays due regard to the needs 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.

Section 3 of the regulatory framework, revised in 2019, requires that a landlord has “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. To comply with these duties, landlords must collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waiting lists, governing body members and staff”

3.0 PROTECTED CHARACTERISTICS

The nine protected characteristics listed in the Equality Act 2010 are;

Age	Protects people of all ages
Disability	Applies to a range of people who have a condition (physical or psychological) which has a significant and long-term effect on their ability to carry 'day-to-day' tasks. It also covers those who are diagnosed with a progressive illness (e.g. cancer).
Gender Reassignment	The definition of gender reassignment includes people who choose to live as the opposite gender to the gender assigned to them at birth as well as those that have undergone an official medical procedure.
Marriage & Civil Partnership	Does not protect single people.
Pregnancy & Maternity	A woman is protected against discrimination on the grounds of pregnancy or maternity or breastfeeding. With regards employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled.
Race	Includes colour, ethnic/national origin or nationality.
	Covers any religion, religious or non-religious beliefs and philosophical belief or non-belief. To be protected, a belief must satisfy various criteria including that it is a "weighty and substantial aspect of human life and behaviour".
Gender	Applies to males and females.
Sexual Orientation	Applies to lesbian, gay, bisexual and heterosexual people

4.0 HUMAN RIGHTS IN PRACTICE

It is important for the Association that it provides its housing and related services in a way that is compatible with human rights as it recognises that a person's home plays a key influence in their wellbeing and safety as well as their dignity and security. In particular, cognisance of the principles of human rights in the delivery of key services and activities including;

- Allocation of Housing (**NB** – the Human Rights Act does not give any person the **right** to the provision of a home from a particular social housing provider or of a particular size, quality etc)
- The Tenancy Agreement
- Repairs & Maintenance of a property
- Aids & Adaptations
- Eviction
- Rent Arrears

- Anti-Social Behaviour
- Changes to the tenancy (e.g. via succession, sub-lets etc)

5.0 POLICY CONTEXT

The Equalities & Diversity Policy is part of a suite of documents that ensures the Association takes a holistic approach to promoting equal opportunities and human rights. This includes;

- Codes of Conducts for both Staff and Committee members
- Notifiable Events Policy
- Data Protection Policy
- Equality Data Collection Policy
- Harassment Policy
- Freedom of Information Policy
- Complaints & Comments Policy
- Unacceptable Behaviours Policy
- Behaviours Framework
- Translation & Interpretation Policy

6.0 DEFINITIONS

Equal Opportunities – The Scotland Act 1998 defines equal opportunities as “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”

Equality – is not necessarily about treating everyone the same but about recognising that their needs may have to be met in different ways in order to achieve the same outcome for everyone

Promoting Equality – creating an environment that values and appreciates individuals and their differences, tackling inequalities and ensuring each individual is treated fairly

Diversity – recognising that people are unique with different backgrounds, personality, life experiences, beliefs, values, cultures and lifestyles

Protected Right

7.0 UNLAWFUL BEHAVIOUR

The Equality Act 2010 sets out the key elements of unlawful behaviour which should be avoided as both an employer and a provider of service:

Direct Discrimination – involves treating an individual or group less favourably on the basis of a protected characteristic

Indirect Discrimination – when something, such as a policy, procedure, rule or condition, applies to everyone in the same way but disadvantages a certain group in a way that cannot be objectively justified

Associated Discrimination – discriminating against an individual because they have an association with someone with a particular protected characteristic

Perceptive Discrimination – discrimination against an individual because they are believed to possess a protected characteristic

Harassment – unwanted conduct that is related to a relevant characteristic with the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment

Victimisation – treating a person less favourably and/or discriminating against them because they have pursued, or intend to pursue, a complaint, raised a grievance or supported a complainant

Institutionalised Discrimination – the collective failure of an organisation to provide an appropriate and professional service or protection to people because they have a protected characteristic

8.0 POLICY OBJECTIVES

The primary objective of the Equalities & Diversity Policy is to promote an inclusive culture throughout the organisation that enshrines the principles and ethos of equalities, diversity and human rights.

To achieve this goal the policy aims to;

- Set out the key principles relating to equality and diversity that the Association will strive to achieve as a landlord, service provider and employer
- Support the prevention of discrimination and the elimination of prejudice with the Association and its communities
- Demonstrate a zero tolerance of discrimination, harassment and hate crimes
- Act as a public statement of the Association's commitment to the principles of equality, diversity and human rights
- Ensure all of the Association's customers, employees, committee members and other stakeholders and partners are treated fairly and with dignity and respect

- Promote inclusion and tolerance and celebrate, value and respond appropriately to diversity in the Association’s communities, customers, committee and staff
- Advance equality of opportunity throughout the organisation and its communities
- Embed equality throughout the organisation and incorporate the principles of equality, diversity and human rights in the delivery of our services
- Ensure the Association complies with legislation and regulatory requirements and meets good practice

9.0 DELIVERING POLICY OBJECTIVES

To support achieving the objectives of the Association’s Equality and Diversity Policy, it has an Action Plan (**Appendix 1**) detailing how these objectives will be delivered in the key areas of activity including;

- Governance
- Service Delivery
- Policy Development and review
- Service Development and Customer Involvement
- Information and Communication
- Data Collection and Customer Profiling
- Procurement
- Maintenance and Repair of properties
- Development of new homes
- Staffing, Employment and Remuneration
- Recruitment, Selection and promotion
- Learning and Career Development
- Performance Management
- Accessibility

10.0 RESPONSIBILITIES

10.1 Management Committee

The Management Committee has the ultimate responsibility for:

- Approving the equality and Diversity Policy and overseeing its implementation
- Ensuring that Association, as an organisation, adheres to the principles of the equality and Diversity Policy
- Monitoring the effectiveness of the policy and action plan and if targets and objectives are being achieved

10.2 Senior Management Team

The senior management team, led by the Director, has operational responsible for the implementation of the policy and action plan and for;

- Ensuring staff are made aware of the principles of equality and diversity and understand their individual and collective role in promoting these
- Reporting to the Management Committee and progress with achieving the outcomes and targets set
- Ensuring the principles of equality and diversity are considered as part of policy and service development
- Informing the Management Committee of progress in achieving targets and objectives

10.3 Staff Team

Each member of staff has an individual, personal responsibility for;

- Making themselves familiar with equalities legislation, this policy and the principles of equality and diversity
- Ensuring they treat service users, colleagues, Committee members, contractors and other stakeholders with dignity and respect during the course of delivering services
- Challenging behaviours that contravene the Association's values and ethos regarding equality and diversity and/or result in discrimination
- Reporting any discriminatory behaviour and/or attitudes

Failure to act in accordance with the principles of this policy may result in disciplinary action.

10.4 Contractors

A pre-requisite of being accepted onto the Association's list of approved contractors is that the company demonstrates its commitment to equality.

When acting on behalf of the Association, contractors will be required to;

- Treat everyone with dignity and respect
- Provide the same level of service to everyone regardless of their age, disability, gender, sexual orientation, marital status, race, religion or beliefs
- Not display or express any discriminatory or bigoted attitudes or beliefs

Failure to act in accordance with the principles of this policy may result in that company being removed from the Association's approved list of contractors.

11.0 EQUALITIES DATA

To support and inform the Association's Equality Action Plan and help it fulfil its commitment to equality of opportunity for all, the Association will collect appropriate equalities data on;

- Applicants and nominees to the Management Committee

- Elected members and Co-optees serving on the Management Committee
- Job applicants and those selected for interview
- New and existing employees
- New and existing tenants
- Applicants on the waiting list
- Shareholders

When collecting the information, the Association will;

- Provide a clear explanation as to why the information is collected and what it will be used for
- Ensure the individual is aware that provision of the information is voluntary and that they have the right to opt out
- Store the information collected securely and confidentially
- Only use the information for the stated purpose and/or for promoting and ensuring equality and fairness
- Gather and store the information anonymously unless otherwise stated or specific permission is given by the individual
- Ensure information is gathered and processed in line with General Data Protection regulations and other data protection legislation

The information collected will be used to;

- Inform the Association's understanding of the individual needs of its service users, Management Committee members and staff
- Tailor and target the Association's approach to communicating with tenants and other service users
- Improve existing practices and/or develop new services
- Identify any aspect of the Association's policies or service delivery that is having a detrimental impact on any protected characteristic group or individual
- Identify underrepresented groups

12.0 POSITIVE ACTION

Where the Association identifies groups that are underrepresented or discriminated against in accessing or participating in its services or activities, it may consider taking an appropriate form of positive action to address the imbalance and promote equal opportunities.

Positive action is distinct from positive discrimination and involves voluntary, proactive steps to address historic patterns of disadvantage or inequality against certain groups. Where required, positive action will be considered to enable or encourage individuals or groups to participate in an activity or access services. Any positive action will be appropriate and proportionate for redressing the imbalance.

13.0 PUBLICISING & PROMOTING THE EQUALITY & DIVERSITY POLICY

In order to demonstrate and promote the Association's commitment to equality of opportunity it will;

- Develop an Equalities and Diversity Statement (**Appendix 2**) that will be displayed in the Association's offices, made available on the website and regularly posted on its social media platforms
- Make the Equalities and Diversity Policy and action plan available on the Association's website
- Promote the policy in the Association's newsletters
- Provide ongoing training and information on the policy to staff and members of the Management Committee
- Include a copy of the policy in induction packs for new members of the Management Committee and staff
- Issue a copy of the policy to contractors and consultants on the Association's approved lists

14.0 PERFORMANCE MONITORING

The Association wishes to be able to demonstrate that it is adhering to the principles of its Equality and Diversity Policy, achieving the policies objectives and delivering on its action plan.

It will therefore seek to implement both quantitative and qualitative monitoring mechanisms

As a mechanism for monitoring its performance, the Association will identify key performance indicators and, where appropriate, set targets against which performance can be measured. These will be reported to the Management Committee at least annually.

To provide the Management Committee with the required level of assurance that the Association has effective and appropriate systems in place to ensure it is delivering its objectives and commitments with regards equality and diversity, the policy, procedures and systems will be scrutinised as part of the internal audit plan.

15.0 EQUALITY IMPACT ASSESSMENTS

It is recognised that equality and diversity is a key element of policy and service development and the decision-making process. To enable the Association to be proactive in identifying and taking steps to eliminate any potential discrimination or breaches of the principles of equality and diversity, an Equality Impact Assessment (**Appendix 3**) will be carried out where appropriate.

16.0 COMPLAINTS OF ORGANISATIONAL DISCRIMINATION

Complaints/allegations that the Association's policies, procedures, services or activities are discriminatory and/or on breach of its Equalities and Diversity Policy will be dealt with in line with the Association's Complaints Policy and Procedures.

In the first instance the complaint will normally be investigated by the head of the relevant department.

If a mutually agreeable satisfactory outcome cannot be reached, the matter will be referred to the Association's Senior Officer for review and decision.

Where discrimination is found, immediate steps will be taken to address the issue and make suitable amendments to the relevant policy, procedures service or activity.

17.0 ALLEGATIONS OF DISCRIMINATORY CONDUCT

Allegations of discriminatory behaviour will be investigated and dealt with in accordance with the matrix (**Appendix 4**).

Any staff member found to have knowingly and wilfully conducted themselves in a discriminatory manner towards a customer, contractor or Committee Member, may face disciplinary action in line with the Association's policies and procedures.

Where a contractor is found to have conducted themselves in a discriminatory way towards a staff member or tenant may be removed from the Association's approved list.

Where a contractor is found to have conducted themselves in a discriminatory way towards a staff member, Committee member or customer may be removed from the Association's approved list.

18.0 RISK ASSESSMENT

The Association recognises failing to adhere to its Equality and Diversity Policy has the potential to;

- Damage the Association's reputation and credibility
- Subject it to increased level of engagement with the Scottish Housing Regulator
- Lead to legal action and severe penalties

19.0 TRAINING

Staff and Committee Members will receive equality and diversity training appropriate to their role within the organisation and the responsibilities they have with regards equality and diversity.

Additional training needs may be identified as part of individual appraisals and development plans.

20.0 POLICY REVIEW

The Equalities & Human Rights Policy will be reviewed in full by the Management Committee every 3 years. Elements may be reviewed within that period to reflect changes in relative legislation, regulatory requirements and/or good practice.