



EQUALITIES AND DIVERSITY POLICY

APPROVED	29 November 2022
DATE NEXT REVIEW	25 November 2025

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1. INTRODUCTION

- 1.1 This document outlines the Association's Equality and Diversity policy. It updates the previous Equality & Diversity Policy.
- 1.2 The Policy is supported by an action plan which sets out what the Association will do on a day-to-day basis to help ensure that the policy's objectives are achieved, and that the Association can be proactive in its work in equality and diversity
- 1.3 To help us ensure that those wishing to use our services, which includes the general public, tenants, and contractors as well as our employees, are clear about our commitment to equality of opportunity, the Association will:
 - a) Place a notice in the interview rooms promoting the policy's existence and that it is available in a variety of formats
 - b) Place a copy of the Policy on our website
 - c) Continue to ensure that staff and Management Committee Members receive appropriate training in the area of equality and diversity – we will conduct appropriate training in 2023 and bi-annually thereafter

2. LEGAL, REGULATORY, AND GOOD PRACTICE FRAMEWORK

- 2.1 This Policy on Equality and Diversity takes account of legal, regulatory, and best practice guidance, including (but not limited to):
 - a) The Equality Act 2010, Section 149 (public sector equality duty) and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 as amended (the Regulations)
 - b) Human Rights Act 1998
 - Public authorities, and other organisations when they are carrying out 'functions of a public nature', have a duty under the Human Rights Act 1998 (HRA) not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms (the Convention). The public sector equality duty uses the same definition of functions of a public nature as the Human Rights Act 1998 (HRA).²
 - c) The Housing (Scotland) Act 2010
 - d) The Scottish Social Housing Charter Outcome Number 1
 - e) Section 5.3 of the Regulatory Standards of Governance and Financial Management
 - f) "Getting the Balance Right"

3. THE EQUALITY ACT 2010

- 3.1 The Equality Act 2010 (the Act) aims to harmonise discrimination law and strengthen the law to support progress on equality.
- 3.2 The Act consolidates much of the previous equalities-related legislation into one single Act. It therefore replaces duties, for example, the Sex Discrimination Act 1975, the Race Relations Act 1976, and the Disability Discrimination Act 1995.
- 3.3 This duty contains three elements that cover discrimination, harassment, victimisation, and any other form of conduct prohibited under the Act. The second and third elements of the Duty apply to all of the protected characteristics except marriage and civil partnership
- 3.4 The Duty requires specified public bodies (or those that carry out public functions) to:
- eliminate conduct prohibited in law;
 - advance equality of opportunity between people who share a protected characteristic and those who don't;
 - foster good relations between people who share a protected characteristic and those who don't.

The latter two elements require specified public bodies to take active measures in implementing their equality strategies.

- 3.5 The Act defines protected characteristics and sets duties for specified public bodies.
- 3.6 The following are protected characteristics;-
- age
 - disability
 - gender reassignment
 - marriage, and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

3.7 Although Registered Social Landlords (RSL's) are deemed public bodies, they are not 'designated bodies' covered by the Duty, however as many of the functions that an RSL carries out are likely to be of a public nature the Duty applies and therefore this duty is placed on all RSL's.

3.8 The EHRC Technical guidance on Public Sector Equality Scotland states;
"Compliance with the Duty should result in:

- better informed decision making and policy development
- a clearer understanding of the needs of service users, resulting in better quality services which meet varied needs
- more effective targeting of policy, resources and the use of regulatory powers
- better results and greater confidence in, and satisfaction with, public services
- a more effective use of talent in the workplace
- a reduction in instances of discrimination and resulting claims"

3.9 The EHRC notes the following;
"Who benefits from the duty?"

The duty potentially benefits everyone because it applies to characteristics common to everyone. For example, everyone has a race and a sexual orientation.

There are also some characteristics covered by the duty which will not apply to everyone, such as disability.

In many situations people who share a particular protected characteristic have been, and continue to be, excluded and disadvantaged. Consideration of how to advance equality may well have more relevance for such people.

Bodies subject to the duty should not make assumptions about who is disadvantaged in a given situation. It is important to be alert to the fact that groups who may otherwise predominate may in certain situations be disadvantaged or have particular unmet needs.

3.10 The question of whether or not a function is of a public nature is complex and takes account of the definition of public function as covered by the Human Rights Act 1998, section 150 (5).

4 THE SCOTTISH GOVERNMENT

4.1 The Scottish Government published the Scottish Social Housing Charter (the Charter) in March 2012, and it came into effect on 2 April 2012. The Scottish Government's commitment to ensuring that RSLs behave in a way that promotes equality and diversity and seeks to eliminate discrimination.

- 4.2 The Charter Outcome Number 1: Equalities 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 receives fair access to housing and housing services.”

5. SCOTTISH HOUSING REGULATOR

- 5.1 The Scottish Housing Regulator (SHR) introduced the Regulatory Standards for Governance and Financial Management.¹
- Section 5 requires RSLs to “conduct their affairs with honesty and integrity and,
 - S5.3 requires RSLs to pay “due regard to the need to eliminate discrimination, advance equality and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements”.

6. POLICY STATEMENT, GENERAL PRINCIPLES, AND PROTECTED CHARACTERISTICS

- 6.1 The policy has two main aims:

- to ensure that no person, group of persons or organisation who deal with the Association in any way or who requires a service, assistance, or advice from the Association, or who is employed (or serves in any capacity) by the Association, is treated less favourably than any other person, group of persons or organisation. In other words anyone who has any sort of contact with Kingsridge Cleddans Housing Association.
- to promote the policy so that anyone dealing with the Association in any capacity is made aware that the Association has a policy and that there is a zero tolerance of any act which contravenes the policy/policy principles in any way

- 6.2 We will seek to promote and to achieve equality of treatment and opportunity for all groups in society without discrimination or prejudice on any grounds. The Equality Act introduces the term “protected characteristics” to describe groups against whom any sort of discrimination is unlawful. Section 4 of the Act specifies nine protected characteristics as at 3.6 above.

- 6.3 The Association does not and will not tolerate any sort of unfair treatment or discrimination on any grounds. In addition to the above, therefore, our zero tolerance will be broadened (but not confined) to the following:

- National origin
- Cultural background
- Ethnic origin
- Tenure
- Issues related to literacy or numeracy
- Employment status
- Domestic circumstances

Each of the above is equally important, and we will take all reasonable steps to ensure that no discrimination, whether deliberate or inadvertent, occurs.

6.4 To help achieve the main aims as outlined, the Association has devised the following six statements, which will form the basis of the separate action plan.

- a) ensure that no one is discriminated against on the basis of any of the nine protected or seven other characteristics noted above
- b) ensure equality of opportunity and treatment for all people in relation to the provision of housing and non-housing services actively assist disadvantaged minority groups within the local community to benefit from its housing services
- c) ensure equality of opportunity and treatment for all people in relation to the employment of staff
- d) ensure that all staff are aware of the Association's commitment to, and obligations in relation to, equality and diversity
- e) be mindful of its equalities commitments in relation both to the procurement of contractors/consultants and to the composition and operation of the Management Committee

7. TYPES OF DISCRIMINATION

7.1 The 2010 Act contains seven types of discrimination:-

7.2 Discrimination

a) Direct Discrimination

This is the treatment of an individual or group less favourably than others, and this treatment is because of a protected characteristic. An example would be to refuse to employ somebody because they had an impairment, which had no relevance to their ability to carry out the job they had applied for.

b) Associated Discrimination

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a non-disabled person is discriminated against because they need to take care of disabled dependent.

c) Discrimination by Perception

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to, e.g. a person is not shortlisted for a job on the basis that the recruiter assumes the applicant may not have the correct visa to work in the UK as they have a foreign sounding name on their application form.

d) Indirect Discrimination

This is when an apparently neutral requirement or condition impacts adversely or has a disproportionate effect on a particular equality group. An example of this could be holding meetings at a location inaccessible to someone with a mobility disability.

e) Harassment

This occurs when a person engages in unwanted conduct and is related to a protected characteristic, and which has the purpose or the effect of (i) violating the dignity of another person or (ii) creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

f) Harassment by a Third Party

As an employer, the Association is potentially liable for the harassment of their staff or customers by people they do not themselves employ, for example a contractor or consultant.

g) Victimisation

This occurs when someone faces discrimination because she or he has made an allegation of unlawful discrimination or because of assisting or supporting a complainant.

8. POSITIVE ACTION

8.1 The Act outlines two types of positive action which, in certain circumstances, are permissible:

- General
- Recruitment and Promotion

8.2 If the Association believes that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, then action may

be taken to help overcome the disadvantage or address the needs. The Act stipulates that any action should be proportionate.

- 8.3 An example could be 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 aimed at encouraging people from a particular group or groups to apply for a vacancy, but no quotas will be specified.

9. RISK MANAGEMENT

- 9.1 The Association recognises the potential risks should we fail to adhere to the Equality and Diversity Policy and/or the accompanying Action Plan. In order to combat this, Section 16 of this policy outlines the method of investigation that would be adopted should any allegation of a breach be made.

10. COMMUNICATION IN ALTERNATIVE FORMATS

- 10.1 One of the ways in which people can be indirectly discriminated against is by information sometimes being inaccessible, e.g. a visually impaired resident may not be able to read the allocations policy in the print size usually available. Similarly, someone whose first language is not English may not be able to communicate effectively with staff. This type of indirect discrimination is as important to address as it can often be inadvertent and there is potentially more scope for it to occur.
- 10.2 To help combat this, the Association will provide information to customers in any special format as required. Special formats may include:
- Large print
 - CD/DVD
 - Translations into community languages
 - Use of language or sign interpreters
 - Braille
- 10.3 It should be noted that it is impractical to have all possible formats available immediately. Our commitment therefore relates to the ability and willingness to produce documents in the formats required (or an interpreter if requested) within a period of three working days. All costs in relation to this will be borne by the Association.
- 10.4 The Association are members of Happy to Translate and promote this service on our website and on our letterhead.

10.5 To ensure that this strategy is effective, the availability of documents in other formats will be publicised on our website and on the notice board within the interview rooms.

11. PROMOTING THE EQUALITY AND DIVERSITY POLICY

11.1 The policy will be actively promoted and implemented. The level of interest in the policy will vary from person to person depending on a whole range of factors. In recognition of this, we will promote the policy in the following ways:

- a) we will promote the policy review on our website.
- b) we will ensure that all new tenants are made aware of the Association's commitment to equality and diversity as part of the new tenant process.

11.2 The Association will collect equality data from the Management Committee, staff, tenants, and service users (including housing applicants) in line with the Duty to collect the information to enable the Association to better target resources and to ensure fair treatment and respect to all.

11.3 The Association will implement equality impact assessments on all policies and procedures to ensure they comply with the legislation and best practice.

- The Equality & Human Rights Commission (EHRC) requires specific public bodies to carry out equality impact assessments.
- It notes:

"To the extent necessary to fulfil its general equality duty, a listed authority must assess the impact of applying any proposed new or revised policy or practice against the needs mentioned in the general equality duty."²

11.4 The Scottish Housing Regulator (SHR) has published regulatory requirements 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..."

11.5 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."¹

¹ Scottish Housing Regulator (2019) [Regulatory Standards of Governance and Financial Management](#)

- 11.6 All employees, applicants for employment and contractors will be notified of the existence of the policy and will be asked to familiarise themselves with it within a week of it being approved.
- 11.7 Copies of the policy will automatically be provided for successful job applicants within their Induction and contractors being used by the Association, within the Application Pack.
- 11.8 Management Committee Members and staff will continue to receive on-going equality and diversity training and will be involved in approving the final document. All members will be encouraged to keep up to date with development in the area of good practice in equality and diversity.

12. MEASURING EFFECTIVENESS

- 12.1 Whilst embracing the principles of equality it is nonetheless important that there is a procedure in place to demonstrate how we will achieve our objectives and to identify any area(s) where we do not.
- 12.2 We will develop a set of targets against which our performance can be measured – we are not able at present to set targets for all protected characteristics groups (see 3.1 above). we will set a range of targets that are realistic and achievable for the Association.
- 12.3 It is proposed that we incorporate targets in the following areas within the Internal Management Plan and evaluate the position annually, with figures being compared with the ARC.
- a) Increase the proportion of applications for housing from members of BME groups in line with current demographic figures
 - b) Increase proportion of existing tenants from members of BME groups to reflect the proportion of BME households on the housing list
- 12.4 The most up-to-date Census information relates to the 2011 figures, however the Census information from 2021 (2022) will be published in 2023. It is widely accepted that demographics are constantly changing, and the Census information is useful in addition to other local and national resources including from our own housing lists and those of the other local RSLs.

13. EQUALITY AND DIVERSITY ACTION PLAN

- 13.1 The Association will be reviewing progress against the Equality and Diversity Action Plan on an annual basis, it is understood that where any area(s) of concern arises remedial action can be taken to address any failing.
- 13.2 It is perhaps not possible to be prescriptive about how the Association should identify and remedy any area(s) requiring redress in this policy statement owing to the many and varied outcomes. The process to be followed by is: -
- a) The Director will advise the Management Committee of the issue(s) to be addressed.
 - b) The Director will produce an action plan to achieve the objective
 - c) Consult with RSL partners and others
 - d) The Management Committee will agree refinements to the Equality and Diversity Action Plan and approve their implementation.

14. MANAGEMENT COMMITTEE & STAFF

- 14.1 Ultimate responsibility for ensuring that the Association conforms to the principles outlined in this policy lies with the Management Committee.
- 14.2 The Director, as the Senior Officer, has the responsibility for ensuring that the Management Committee is informed of progress and alerted to any issue requiring to be addressed.

15. DISSEMINATION OF KEY PERFORMANCE TARGETS

- 15.1 The Management Committee will consider an annual report on equality and diversity at its May meeting. This will be produced by the Director and will be based on the outturn figures to the end of March.
- 15.2 In August/September, this performance will be summarised in the “Annual Statement on Equality and Diversity” and distributed to all tenants and members by way of a newsletter and posted on the website.
- 15.3 The Association will report clearly on its performance, and this will include any areas of concern or requiring further action.

16. BREACH OF EQUALITY AND DIVERSITY POLICY

- 16.1 The Association has a policy of zero tolerance as far as discriminatory practices and breaches of equal opportunities are concerned.
- 16.2 Any allegations against a member of staff or Management Committee Member will be investigated thoroughly by the Association's Director. If the allegation is made against the Director, the investigation will be conducted by the Chairperson and the most senior officer not directly involved.
- 16.3 Prior to the investigation, the Association will seek advice from Employers in Voluntary Housing (EVH) as the Human Resource provider to the Association. Unless there is extenuating circumstances not to, the advice of EVH will be followed. It may also be advisable to contact the Association's solicitor.
- 16.4 The member(s) of staff or Management Committee Member(s) will be advised of the allegations laid against them and informed of the method and scope of the investigation being undertaken. The party will be advised to seek independent advice and representation, such as a solicitor or Trade Union representative.
- 16.5 The Association's disciplinary procedures will be followed in appropriate circumstances.
- 16.6 If allegation is made against a resident of the Association's property, the Director may contact the Association's solicitor to seek advice.

17. POLICY REVIEW

- 17.1 The Equality and Diversity Policy will be reviewed every three years unless there is any updated legislation, guidance, or practice. This policy will be due for review no later than November 2025.
- 17.2 Annual reports on the operation of the policy will be provided to the Management Committee.