



EQUALITY AND DIVERSITY POLICY

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The information in this document is available in other languages or on tape/CD, in large print and also in Braille.

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Regulatory Compliance	Standard 5: The RSL conducts its affairs with honesty and integrity
Financial Impact	Low
Risk Assessment	Low

Equality and Diversity Policy

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EQUALITY AND DIVERSITY POLICY

Introduction

Abronhill Housing Association is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout Abronhill Housing Association there will be a consistent approach in promoting equality and diversity across all areas within the Association through the entire employment relationship from the recruitment process to termination and references.

All employees are required to abide by this policy. This policy also covers discrimination by and towards members of the public, governing body, members, contractors and staff from other agencies. Abronhill Housing Association opposes all forms of unlawful discrimination in relation to employment.

Background

Tackling inequality is not something new. UK Governments have been addressing equality and diversity issues for many years. Although progress has been made, inequalities still exist in Scotland and in the UK. As the Government continues to tackle discrimination, promote equality, address inequalities, and inconsistencies that were present in the previous discrimination legislation, the new Equality Act 2010 was introduced. The introduction of the act saw previous discrimination legislation abolished and replaced with one single piece of legislation. This policy will be compliant with the current legislation and promote a culture of dignity and respect for all.

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. Abronhill Housing Association will aim to ensure that all employees are treated with fairness and respect and not be discriminated 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. Abronhill Housing Association will therefore ensure all employees are provided with equality of opportunity in the course of their employment starting from recruitment.

Regulatory Framework

The Scottish Housing Regulator's Regulatory Framework includes a regulatory requirement within Standard 5 of its Governance & Financial Standards.

Standard 5:

The RSL conducts its affairs with honesty and integrity.

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 arrangements.

Legal framework

The following details the specific acts of the UK and Scottish Parliaments relating to discrimination law and equalities.

Equality Act 2010

The Equality Act 2010 which came into effect on 5 April 2011 introduces a public sector equality duty upon all organisations that carry out a public function, and therefore applies to almost all of the services that we provide.

Section 149 of the Act outlines the general duty which an organisation like Abronhill HA must comply with. The general duty requires Abronhill HA to have due regard to the need to eliminate unlawful discrimination which may take the form of:-

- **Direct Discrimination** - treating someone less favourably than others based on a protected characteristic.

- **Discrimination by association** - discrimination against a person because they have an association with someone with a particular protected characteristic.

- **Discrimination by perception** - discrimination against a person because the discriminator thinks the person possesses that characteristic, even if they do not in fact do so.

- **Indirect discrimination** - is a policy, practice, procedure, provision or criteria that applies to everyone in the same way but might disadvantage a particular protected characteristic, and which cannot be objectively justified in relation to the job.

- **Harassment** - is unwanted conduct, relating to a protected characteristic, which has the purpose or effect of violating a person'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.

- **Victimisation** - Is treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.

The general duty also requires Abronhill HA to:

- *Advance equality of opportunity between people who share a protected characteristic and people who do not share it*

- *Foster good relations between people who share a protected characteristic and people who do not share it*

In order to meet the general duty specified by the Equalities Act, Abronhill HA, when carrying out a public function is required to identify and tackle persistent and long standing disadvantage within that function. The public functions carried out by the Association are extensive and encompass allocation of housing, rents, tenant consultation, development of policies, complaint procedures and many more facets of the work of a registered social landlord.

The Housing Scotland Act (2010)

The Housing Scotland Act (2010) set out the provision for a Scottish Social Housing Charter to set outcomes and indicators for what a registered social landlord should be achieving. The Scottish Social Housing Charter came into effect in April 2012 and contains a specific equalities outcome:

“Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and received fair access to housing and housing services”.

Abronhill Housing Association has an obligation to meet the Equalities Standard and outcome outlined in the Scottish Social Housing Charter and produce an annual return to the Scottish Housing Regulator.

Human Rights Act 1998

The Human Rights Act 1998 provides for an individual to have the right to own and enjoy the ownership of property, the right to respect for private life, the right to respect for family life and the right for respect for your home. The Human Rights Act legislates to ensure the right not to be discriminated against with regard to any of these rights.

Scotland Act 1998

The Scotland Act 1998 provided a wider equal opportunities definition as;

“..the prevention, elimination or regulation of discrimination between persons on the grounds of sex and marital status, on 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..”

DEFINITIONS

Diversity

Is about valuing individual differences. Abronhill Housing Association is committed to valuing and managing people’s differences to enable all employees to contribute and realise their full potential. Abronhill Housing Association recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit Abronhill Housing Association and its customers.

Equality

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.** Equality focuses on those areas covered by the law, and described as the Protected Characteristics of race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation

Protected Characteristics

The grounds on which discrimination claims can be made:
Age, Disability, Gender Reassignment, Marriage, and Civil Partnership, Pregnancy & Maternity, Race, Religion or Belief, Sex, and Sexual Orientation.

Direct Discrimination

Is treating someone less favourably than others based on a protected characteristic.

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.

Harassment

Conduct that violates a person's dignity or creates 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.

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.

Positive Action

Addressing imbalances in the workforce, by encouraging members of underrepresented groups to apply for jobs. Positive action may be applicable in setting equality targets. No quotas will be set by Abronhill Housing Association but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in Abronhill Housing Association in comparison to the local community where they are underrepresented.

Failure to make Reasonable Adjustments

Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

Associated Discrimination:

Discrimination against a person because they have an association with someone with a particular protected characteristic. E.g. a non disabled person is discriminated against because of the action they need to take care of disabled dependent.

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.

Employees:

All permanent, temporary fixed term staff, including all managers, Director, and agency workers.

Stakeholders:

Contractors, consultants, tenants, customers, service users, other outside agency workers.

POLICY PRINCIPLES

This Equality and Diversity policy aims to:

- Ensure integration with equality and diversity practices into all Abronhill Housing Association does, and ensure that employees are treated with fairness and respect from each other and from members of the public, committee members, and contractors.
- Require Abronhill Housing Association to implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds.

- Ensure people are recruited and employees 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 on only relevant merits.
- 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.

IMPLEMENTATION OF THE POLICY

The Director is responsible for the policy's day to day implementation.

Abronhill Housing Association will ensure that all new employees and management committee 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 the association's office

Appropriate training and guidance will be available to promote equality and diversity among staff.

This policy applies to everyone in Abronhill Housing Association and all have 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.

RECRUITMENT & SELECTION

It is Abronhill Housing Association'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.

A fair recruitment process will remove barriers to the employment of people of different backgrounds. This will enable Abronhill Housing Association 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 the organisation's service delivery, as it will include staff with more knowledge and experience meet and aid in meeting the needs and aspirations of service users and potential service users.

To highlight Abronhill Housing Association'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 and any advertisement for a vacancy within Abronhill Housing Association will state that an equality and diversity policy is in place. In addition the advert will also display any signs of equality bodies that Abronhill Housing Association is affiliated with. 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 Abronhill Housing Association will ensure that all applications will 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.

Abronhill Housing Association will ensure all staff 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.

TERMS AND CONDITIONS OF EMPLOYMENT

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. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics. Employees will not receive less favourable terms and conditions for any reason other than relating specifically to the job role and the grade it attracts.

TRAINING & DEVELOPMENT

Equality and diversity will apply throughout all training activities and resources. Training and development opportunities will be given to all employees according to their job role. It is crucial that all employees 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 around equality of opportunity.

REDUNDANCY SELECTION

Redundancy selection will be made according to the statutory requirements and in line with the Association's Redundancy Policy. Criteria will be discussed with the Trade Union and or nominated representatives. The criteria will be set out and will be objectively fair and consistent. This will ensure that employees selected for redundancy are selected according to the chosen selection criteria and not in any discriminatory way either indirectly or directly.

Complaints: employees

This procedure is complemented by Abronhill Housing Association's Dignity at Work policy. For further details please refer to the policy* (draft pending approval).

Where an employee feels they have been discriminated against, victimised or harassed by another employee (including managers), the aim should be to deal with it informally in the first instance.

Informal Stage

An employee should aim to resolve the matter informally as it may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. This is often the most efficient way with dealing with such circumstances and helps maintain good working relations.

The employee should raise the issue informally with their line manager (if the complaint is against their manager then the manager next in line.) The manager will speak to the employee whom the complaint is against. If it is found that the behaviour was in breach of this policy, an appropriate level of sanction will be decided in line with the Association's Disciplinary Policy.

In addition, a file note of the incident will be kept on the complaining employee's file, including a statement that the note will only be taken into account if there are any further incidents.

Dealing with the matter informally does not remove the complaining employee's right to have the matter dealt with formally.

Formal Stage

If the employee is dissatisfied with the outcome, or the complaint is very serious, they should raise the matter in writing, detailing the complaint to their line manager. The complaint should then be dealt with under the Association's Grievance Policy. In line with this process an investigation into the complaint will be carried out. Employees who feel they are being subjected to harassment should raise the issue in line with the Association's Dignity at Work Policy.

If the outcome of the investigation is that a formal disciplinary hearing should take place this will be conducted in line with the Association's Disciplinary Procedures. (Please refer to the Disciplinary Policy for full details)

Complaints made against employees

Where a complaint is made against an employee by another employee, Committee member or stakeholder, it will be investigated and dealt with under Abronhill Housing Association's Disciplinary Policy.

Complaints: Stakeholders

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 Abronhill Housing Association. Therefore, stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by Abronhill Housing Association and appropriate action will be taken.

If a stakeholder feels that they are being discriminated against in the course of their working day with the Association, the following procedure should be followed.

Informal Stage

Where possible, incidents should be dealt with informally. The stakeholder should report the matter to their lead contact within Abronhill Housing Association as soon as possible. It may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted.

The manager will discuss the situation with the individual whom the complaint is against and explain the expected standards of behaviour and the consequences of failing to comply with these. It will be made clear to the individual that continuation of such conduct may result in being refused access to the Association's premises, or services.

Formal Stage

Where informal action is not appropriate or the matter is of a serious nature the complaint will be dealt with using the formal procedure. Where the formal procedure is instigated a thorough investigation will take place in the first instance. Where it is found that the individual has acted

in an inappropriate manner, they will be written to officially by the relevant senior manager informing them that their comments, actions, behaviours are not acceptable and potentially discriminatory. The letter will state that further incidents will not be tolerated and that they may result in being refused access to the Association's premises, or contact with its customers/employees/committee members. In cases of physical violence or serious threats the appropriate manager will notify the police.

Complaints made by stakeholders

Where stakeholders are in receipt of inappropriate behaviour from an employee of Abronhill Housing Association, committee member or another stakeholder in connection with the Association's business, the stakeholder should also raise the issue with their lead contact. The lead contact will then investigate into the complaint and deal with it in accordance with the appropriate procedure (depending whether the complaint is against an employee, a committee member, a contractor, a partner, etc.).

Complaints: committee members

Where a committee member feels they have been discriminated against, victimised or harassed, the aim should be to deal with it informally in the first instance.

Informal Stage

If a committee member feels they are in receipt of inappropriate behaviour from another committee member, an employee or any stakeholder in connection with Abronhill Housing Association, they should raise this immediately with the appropriate senior manager. 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.

Formal Stage

Where formal action is the most appropriate, a thorough investigation will take place into the complaint. The complaint then will be dealt with in accordance with the appropriate procedure (depending whether the complaint is against an employee, a committee member, a contractor, a partner, etc.). In cases of physical violence or serious threats an appropriate manager will notify the police.

Complaints made against a board/committee member

Where a complaint is made against a committee member, Abronhill Housing Association's Code of Conduct will be used as appropriate. The complaint will be investigated by the Chair or another authorised person. If it is found that the inappropriate behaviour occurred, the committee member will be warned and informed of consequences of failure to comply with the expected standards of behaviour, which may include removal from the committee.

MONITORING AND REVIEW OF POLICY

Responsibility for monitoring the application of this policy will rest with the Director of Abronhill Housing Association.

The policy will be reviewed every 3 years with the amendments being made as appropriate and communicated to all staff and relevant stakeholders.