

FORTH HOUSING ASSOCIATION LIMITED
EQUALITIES POLICY

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FORTH HOUSING ASSOCIATION LIMITED

EQUALITIES POLICY

1.0 General Context

1.1 The equality policy represents a key strategic policy of Forth Housing Association. This arises due to its focal concern in developing sustainable communities and its commitment to equal opportunities in its role as a provider of housing to those in housing need, and, as an employer. The Association is referred to generally as “we” throughout this document.

We have developed this policy for **four** principal reasons, namely to:

-  ensure that our services meet law and good practice requirements;
-  satisfy principles of effective governance;
-  address any form of discrimination or harassment in our area of operation; and
-  promote equality throughout all of our services by ensuring that no one is excluded from access to our services through discrimination.

The policy outlines our strategy for achieving effective implementation of our equality policy objectives.

The method of implementing this strategy is incorporated into our Business Plan objectives.

1.2 The individual sections of this policy explain key components of our equality strategy.

These components are:

-  our policy aims and objectives;
-  the policy focus and action planning;
-  committee and staff training;
-  monitoring performance;
-  promoting equality; and
-  policy review.

2.0 Background

2.1 We are committed to promoting an environment of respect, understanding, and eliminating discrimination by providing equal opportunity for all. As the Government continues to tackle discrimination and promote equality a number of new and updated pieces of legislation have come into force. We support the Government in its aim in promoting a culture of dignity and respect for all and eliminating discrimination.

Sustainable communities are communities that are areas in which people want to live and work and that are free from discrimination and harassment.

3.0 Scope

- 3.1 A commitment to this policy is required from all staff, Committee members and others with whom we may work (e.g. contractors). We also expect the same commitment from all those who receive a service from us and we will promote this policy in all our dealings with them.

4.0 Legal context and policy objectives

- 4.1 This section outlines the legal context in which we operate as this regulates our equality policy and related action plan.

This summary covers the following issues:

- legal developments;
- equal opportunities defined; and
- our equality objectives.

The main law relating to equal opportunities is contained in Appendix 1.

4.2 Legal developments

Promoting social inclusion through comprehensive equality programmes is central to Scottish Parliament strategy. This commitment to equality is reflected in the current legal framework that has evolved to address many forms of discrimination. The law relating to equality covers both employment and service issues, as does this policy in its policy objectives and action plan.

Although the law is complex and increasingly diverse in the issues that it embraces, we integrate legal requirements throughout our services. This means that legal duties are built into general policies and practices thus ensuring that we meet our legal obligations. This process is sometimes referred to as “equality mainstreaming.”

The law covers primary law (Acts of Government (2)) and secondary legislation (Statutory Instruments) that introduce the detailed procedures relating to primary law. Our policies and procedures take primary and secondary law into account.

5.0 Equal opportunities defined

5.1 The Scotland Act 1998 defines equal opportunities to mean:

“ ... 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”

(Schedule 5, L2)

This means that all of our services should address discrimination based on any of these grounds.

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 namely the key areas of race, gender disability, nationality, religion, belief, sexual orientation and age.

6.0 Our equality objectives

6.1 Our equality objectives detail the principles that we will implement throughout all housing services. These reflect, in effect, our standards that we use to measure policy implementation. The principles express general commitments and these are then integrated throughout actual organisational services. Each individual policy contains, therefore, its own specific equality commitments that derive from the objectives detailed below. These elements are implemented into our action plan that is the practical document used to mainstream equality effectively. In short: effective mainstreaming of equalities depends on the implementation of all of the equality principles detailed below.

6.2 Equality law and good practice

We provide housing services in line with legal requirements and taking account of good practice guidance.

6.3 Policies, procedures and practices

We integrate equality matters throughout organisational policies, procedures and practices. This includes incorporation of legal and good practice guidance.

6.4 Recruitment policies and procedures

We apply equality legal and good practice principles throughout our recruitment and selection process. Employment issues covering equalities are incorporated into employment policies.

The individual sections in this policy provide further information on key issues such as promoting equality, training and monitoring.

6.5 Addressing discrimination and harassment

We actively take steps to address any form of unlawful or unfair discrimination (or harassment) within our area. This includes implementing positive measures to promote public awareness of the various forms of discrimination.

6.6 Service provision

We provide services to meet the needs of individual service users, including making reasonable adjustments, as required. This is called providing “accessible services.”

For example, we hold meetings in venues that are accessible to disabled people.

Again, we provide public documents in plain language, will translate into relevant languages and in other formats such as large print and audio-tape, on request.

6.7 Information

We ensure that public information is accurate and reflects law and good practice in plain language. This is essential to ensure that service users are aware of their rights. We also provide information in appropriate languages, on request.

6.8 Working with other agencies

We work with a range of local agencies, in particular Stirling Council and Happy to Translate, to promote our equality objectives.

6.9 **Appointing consultants and contractors**

We require any consultants and contractors that we appoint to have an equality policy that reflects our equality commitments or to agree to abide by our policy.

6.10 **Training**

We are implementing a comprehensive training strategy that ensures that staff and committee members receive ongoing equality training. The employee and Committee members' induction programme includes an overview of the equal opportunities policy.

6.11 **Monitoring performance**

We monitor all housing services through our performance indicators. This is essential to ensure, not only that our services don't discriminate, but actively promote equality matters.

6.12 **Tenant consultation**

We have established a tenant participation strategy that sets out how we consult with tenants and service users. This process includes consultation on key strategic policies such as the equality policy.

6.13 **Complaints**

We promote the rights of service users to make complaints if they are dissatisfied with how we operate this policy. We use the information gleaned through complaints to improve service delivery.

7.0 **Policy focus and action planning**

7.1 The equality policy focuses on achieving effective mainstreaming of equality matters throughout all our services.

8.0 Promoting equality

8.1 This section outlines the range of actions that we take to promote equality objectives.

These are covered under the following headings:

-  accessible services;
-  publicity materials and information; and
-  positive action programmes.

8.2 Accessible services

We carry out regular reviews of services, including the physical condition of the housing stock. The purpose of reviews is to enable us to make reasonable adjustments, whenever possible, to eliminate physical barriers.

8.3 Publicity materials and information

We monitor the satisfaction of service users with the quality of information that we provide.

For example, we seek feedback regarding the accuracy and quality of our newsletter and other information leaflets. This assessment addresses such questions as to whether documentation is easily understandable.

8.4 Positive action programmes

Positive action programmes involve taking proactive measures to address barriers experienced by certain groups.

For example, people from black and minority communities and disabled people have traditionally faced barriers in accessing employment in housing.

We are working towards reducing these barriers.

9.0 Committee and staff training

9.1 We promote ongoing training for committee and staff members as quality training is essential for effective equality mainstreaming.

We assess training needs through our internal training strategy. This recognises that equality training should be linked to the specific job that staff do.

This means that equality training is diverse and covers a broad range of issues. These are explained by reference to:

-  induction;
-  legal and good practice matters;
-  organisational practice; and
-  monitoring performance.

For committee members, equality training focuses on policy development and monitoring issues as this is the main role of members.

9.2 Induction

This type of training involves mainly the provision of general information to new staff or committee members about:

-  our equality policy;
-  harassment policy; and
-  action plan commitments.

9.3 Legal and good practice matters

This type of training involves providing specific staff with more detailed knowledge of law and good practice guidance.

For example, we provide housing officers with detailed training on the Code of Guidance in Race Equality.

Again, we provide training to enhance staff awareness or consciousness of barriers to equality experienced by certain groups. For instance, barriers that people experience on grounds of age, disability, race, sex or sexuality.

9.4 Organisational practice

This type of training involves training on organisational policies and practices, including the equality policy and action plan. This ensures that training on equality matters is included in all training programmes. This is another example of how equality matters are mainstreamed effectively as part of routine activities.

9.5 Monitoring performance

This type of training is essential for a variety of reasons. Firstly, staff must be aware of why data are gathered and how we use this to inform planning and policy strategies.

Secondly, this training enables staff to answer queries raised by members of the public concerning data gathering.

Thirdly, monitoring is a key role for senior staff and committee members; and training enables them to evaluate equality trends critically.

10.0 Monitoring performance

10.1 Monitoring performance is an important part of effective governance. We collect and monitor information that will help staff and Committee ensure that no groups are discriminated against in relation to employment, participation or rehousing opportunities. This has a crucial role to play in allowing us to determine whether or not all groups are being treated equally. We have, therefore, established a comprehensive range of performance indicators that we use to measure our performance. These indicators are incorporated into all individual policies and procedures and include equality indicators.

This section summarises some key issues that we presently monitor; these are divided into human resources and service matters.

It is stressed that indicators are reviewed on an ongoing basis and the list of issues monitored changes based on:

-  an assessment of local issues;
-  resources; and
-  capability of information technology systems.

10.2 Finally, it is noted that our indicators cover both quantitative and qualitative measures. Quantitative measures focus on “numbers of things”; while quality measures consider standards.

When monitoring service levels we will be aware of potential discrimination and will take all necessary steps to eliminate discrimination.

10.3 **Human resource monitoring**

The Director will have lead responsibility for monitoring human resources.

10.4 **Service matters monitoring**

This covers the following services:

-  allocations;
-  antisocial behaviour and harassment;
-  arrears and benefits;
-  development;
-  estate management;
-  maintenance; and
-  tenants' rights

Note

We monitor the issues below by reference to the grounds contained in the Scotland Act 1998. We may monitor different issues in respect to each activity based on information held on file.

10.5 **Allocations, Antisocial Behaviour and Harassment, Estate Management, Tenants Rights and Maintenance**

The Tenant Services Manager will have lead responsibility for monitoring equalities in allocations, anti-social behaviour and harassment, arrears and benefits, estate management, tenants' rights and maintenance.

10.6 **Development**

The Development Co-ordinator will have lead responsibility for monitoring equalities in development.

When monitoring service levels we will be aware of potential discrimination, and will take all necessary steps to eliminate discrimination.

11.0 **Policy review**

- 11.1 This policy will be reviewed at least every 3 years by the Management Committee and staff are responsible for ensuring that it meets legal and good practice requirements.

Appendices

Appendix 1: Legal framework

Equalities Policy

Appendix 1: Legal guidance

The Equality Act 2010

1.1 The Equality Act sets a UK-wide legal framework for protecting the rights of individuals and for advancing equality of opportunity for all. It replaces previous “stand alone” legislation on issues such as sex discrimination, equal pay, disability discrimination and race relations to provide a single legal framework. The UK-wide Equality and Human Rights Commission (EHRC) publishes a range of statutory codes of practice as well as non-statutory guidance, to help ensure the Act is put into practice effectively.

1.2. The Equality Act uses the term “**protected characteristics**” to describe the groups that have legal protection from discrimination. The protected characteristics listed in the Equality Act are as follows, along with a brief description of each:

Age

Refers to a person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

Disability

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

(source: EHRC website, information posted April 2017)

1.3. Under the Act, it is unlawful to discriminate against, harass or victimise another person because they have one or more of the protected characteristics. This applies to:

- How FHA - **as an employer** - treats our staff and people seeking employment with us, and
- How FHA – **as a provider of housing and related services** - treats anyone who receives or seeks access to our properties and services.

1.4. FHA must also comply with the **general equality duty** in Section 149 of the Equality Act. The duty applies to housing associations if they are carrying out what the Act terms “public functions”. The public functions carried out by FHA and other RSLs include matters such as the allocation of housing, transfer and exchange of properties, setting rent levels, complaints procedures, tenant participation, consulting and informing tenants, setting the terms of tenancies, the termination of tenancies, and dealing with antisocial behaviour.

1.5. When carrying out public functions, FHA has a legal obligation to:

- **Eliminate unlawful discrimination** (including direct and indirect discrimination and discrimination arising from disability), as well as harassment and victimisation
- **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

1.6. The Equality Act is supported by **the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012**. RSLs are not listed authorities under the Regulations, so do not have an obligation to comply with them. There are a number of good practice areas that FHA will reflect in its policies and working practices where this can be achieved in a proportionate way, such as:

- Publishing this Policy and the associated Equalities Plan
- Assessing the impact of key policies and practices on different equalities Groups
- Gathering and using information about the profile of job applicants and of our staff in relation to development and retention.

Human Rights Act 1998

1.7. Good housing is a basic human need. It supports good health and opportunities for individuals and contributes to sustainable places and quality of life for communities.

1.8. 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 to respect for their home. The Act provides protection against discrimination with regard to any of these rights.

1.9. There are many aspects of FHA's role in providing housing and housing services that could be affected by the Human Rights Act. For example:

- Housing allocations
- Tenancy agreements
- Housing conditions
- Aids and adaptations
- Rent arrears and other breaches of tenancy conditions
- Anti-social behaviour
- Relationship breakdown
- Tenancy termination, successions and evictions

1.10. Post-Brexit, the United Kingdom is party to the European Convention on Human Rights which contains articles setting out the rights that are protected. Breaches of the articles are heard by the European Court of Human Rights.

1.11. The Equality and Human Rights Commission has published a guide for social landlords on complying with the Human Rights Act. Our housing services team will refer to the guide, as required.

Scotland Act 1998 and Housing (Scotland) Act 2001

1.12. Although Equal Opportunities is reserved to the UK Parliament, the Scottish Parliament and Government also have powers to "encourage and promote" equal opportunities under the Scotland Act 1998. This is notable for two reasons:

- **Firstly, the Scotland Act uses a different (and in some respects wider) definition of equal opportunities than UK legislation**

The Act refers to "*the prevention, elimination or regulation of discrimination between persons on grounds of sex or 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.*"

- **Secondly, equal opportunities duties for RSLs are written into Scottish housing legislation**

Section 106 of the Housing (Scotland) Act 2001 states that when providing housing and related services, "*registered social landlords must act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements*" set out in the Scotland Act.

Housing (Scotland) Act 2010: Scottish Social Housing Charter

1.13. The Scottish Government, through the Scottish Social Housing Charter (the Charter), sets standards and outcomes that all social landlords should aim to achieve when performing their housing activities.

1.14. The Charter took effect from 1 April 2012 and was revised in April 2017. It states the following obligations relating to equalities that all social landlords must meet:

- Performing 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.
- Complying with equalities legislation.
- Understanding the needs of different customers and delivering services that recognise and meet these needs.

Regulatory Standards on Equality

1.15. The Scottish Housing Regulator (SHR) sets equivalent standards for the governance and financial management of registered social landlords (RSLs) in Scotland. The SHR's standards and guidance state that:

The RSL pays 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.