



EQUALITY AND DIVERSITY POLICY

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For details contact the Association on 0141 578 0200 or e-mail: admin@Hillheadhousing.org

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Regulatory Compliance	Standard 6: 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

1. INTRODUCTION

Hillhead Housing Association 2000 (HHA) is committed to promoting an environment of respect and understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. HHA will ensure that there is a consistent approach in promoting equality and diversity across all areas of the business including services delivered to tenants and other customers within the community.

HHA is opposed to all forms of unlawful discrimination. In relation to staff, this policy covers the entire employment relationship from the recruitment process to termination and references, and all employees are required to abide by this policy.

The policy is intended to cover all areas of operation within HHA and the principles upon which it is based are applicable to the activities of all employees, Committee Members and the Association as a whole.

In addition to this policy, HHA has developed an Equalities Action Plan to mainstream equality commitments throughout its services. This Action Plan is updated on an ongoing basis and is presented to the Management Committee quarterly.

The Director has overall responsibility for the effective operation of this policy.

2. LEGAL AND REGULATORY FRAMEWORK

2.1 Equality Act 2010

The introduction of the Equality Act 2010 replaced previous equality law with one single piece of legislation. The Equality Act 2010 identifies nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

This policy complies with the current legislation and will support HHA in promoting a culture of dignity, fairness and respect.

2.2 The Public Sector Equality Duty

While HHA is not a public body, it will take account of the Public Sector Equality Duty when delivering services that are public in nature. Under this duty HHA will give due regard to the requirement to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2020
- Advance equality of opportunity between people with – and those without – a relevant protected characteristic
- Foster good relations between people with – and those without – a relevant protected characteristic

It is stressed that this duty does not focus simply on eliminating discrimination, but on advancing equality objectives. The duty is, therefore, proactive in nature.

2.3 The Scotland Act 1998¹

The Scotland Act 1998 defines equal opportunities in Scotland. The statutory definition is:

“Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of disability, age, sexual orientation, language or social origin, or of other personal attribute, including beliefs or opinions such as religious beliefs or political opinions”

(The Scotland Act 1998, Schedule 5, L2)

Apart from providing a statutory definition of equal opportunities, this Act is also important as it covers other grounds than the protected characteristics. For instance, social origin and personal attributes are both included within the statutory definition.

2.4 Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010 requires social housing landlords in Scotland to “act in a manner to encourage equal opportunities”.

This provision includes all equality related law and is central to the equality mainstreaming process.

2.5 Regulatory Standards

The Scottish Housing Regulator sets regulatory standards with which HHA must comply. These standards include equality standards which are explained below.

2.5.1 Housing Service Standards

The Scottish Social Housing Charter, for instance, requires HHA to implement housing services in order 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.

¹ As the Equality Act 2010, this Act has been amended

This outcome describes what social landlords, by meeting their statutory duties on equalities should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. This includes the need to eliminate discrimination and advance equality of opportunity. It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers, for example victims/survivors of domestic abuse and delivering services that recognise and meet these. This may include making reasonable adjustments.”

(Scottish Social Housing Charter, 2022).

2.5.2 Finance and Governance

The Scottish Housing Regulator’s financial and governance standard requires HHA to conduct its affairs with honesty and integrity (Standard 5.3). This includes:

“...paying 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”

(Scottish Housing Regulator, 2019, page 14, Regulation of social housing in Scotland: Our framework).²

Another important regulatory standard relating to equal opportunity is part of the Housing Regulator’s assurance and notification requirements.

In line with this standard, HHA must:

“Have 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;”

and

“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. Local authorities must also collect data on protected characteristics for people who apply to them as homeless. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these service users.”³

² In effect, this is the regulatory provision that reflects the ethos of the Public Sector Equality Duty

³ HHA manages this through its equality data collection procedure and in accordance with data protection

(Scottish Housing Regulator, 2019, page 8, Regulation of social housing in Scotland: Our framework)

2.6 Other Guidance

The Equality and Human Rights Commission issues codes of practice that apply to both employment and services. These include statutory and non-statutory codes.

Other guidance is issued by bodies such as the Chartered Institute of Housing and the Scottish Federation of Housing Associations. HHA will take account of this guidance when developing policies and procedures.

3. POLICY AIMS

3.1 This Equality and Diversity policy aims to:

- ensure integration with equality and diversity practices into all that HHA does, and ensure that employees, Committee members, tenants and other customers and all stakeholders are treated with fairness and respect from each other and from members of the public and contractors.
- Support HHA to implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 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.
- Promote a culture and an environment that respects and values people's differences and promotes dignity, equality and diversity.

4. POLICY PRINCIPLES

4.1 HHA will ensure that all employees and others covered by this policy are treated equally and will not be discriminated against or disadvantaged by any conditions or requirements which cannot be shown to be lawfully and reasonably justified.

4.2 HHA will ensure that all employees are provided with equality of opportunity in the course of their employment and that people who use or may wish to use its services have equal access to the services they require.

4.3 It is recognised that there is a strong relationship between governance, equality policy and data collection. Good governance underpins the effectiveness of a social landlord's delivery of quality homes and services to tenants and other

service users. HHA has comprehensive governance policies in place to ensure that it meets the requirements of the Scottish Housing Regulator's regulatory framework, and the issues of equality and fairness are central to all policies.

- 4.4 The policy principles in relation to key aspects of the staff employment relationship are set out below:

(a) Recruitment and Selection

HHA will ensure 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 each 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 HHA 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 HHA'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 HHA will state that an equality and diversity policy is in place. In addition the advert will also display any signs of equality bodies that HHA 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, HHA 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.

HHA will ensure all staff and committee members 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.

(b) 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.

(c) Training and 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.

(d) Redundancy Selection

Redundancy selection will be made according to the statutory requirements and in line with the EVH Staff Terms and Conditions of Employment. Any criteria will be discussed with the recognised 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.

5. POLICY IMPLEMENTATION

- 5.1 HHA will ensure that all new employees and committee members will receive induction on this policy. The policy will be widely promoted and integrated into organisational policies and procedures. Copies of the policy will also be available from the Association's website or from its office.
- 5.2 Appropriate training and guidance will be available to staff and committee members in order to promote equality and diversity.
- 5.3 This policy applies to everyone in HHA, therefore everyone has 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 could lead to disciplinary action which may include dismissal.

6. EQUALITIES DATA COLLECTION

HHA's approach to the collection of equality information has been developed in accordance with guidance produced on behalf of the Scottish Federation of Housing Associations, Glasgow and West of Scotland Forum of Housing Associations, Association of Local Authority Chief Housing Officers and the Scottish Housing Regulator. This guide was originally produced in August 2021 and revised in April 2022.

HHA collects equality data in respect of the 9 protected characteristics under the Equality Act from staff, committee members and job applicants. With regard to new and existing tenants and housing list applicants, data in respect of the characteristics is also collected but with the exception of details regarding marriage and civil partnership. The data collection process for staff, committee and tenants will be repeated every three years. The data is collected on a completely anonymous basis – this approach removes complex data protection

considerations as data collected cannot be linked to any individual and therefore not personal data.

Statistics from the data collection are reported to the Management Committee on an annual basis.

7. EQUALITY IMPACT ASSESSMENTS (EIAs)

HHA will carry out EIAs on appropriate organisational policies and will assess the effects of these policies in meeting the Public Sector Equality Duty. These will be implemented as part of HHA's policy review process unless an assessment is required sooner due to legal and/or regulatory changes.

8. DEFINITIONS

8.1 The following definitions are provided to support understanding of this policy:

- **Diversity**

Is about valuing individual differences and in doing so, recognising that people have different needs and that appropriate services should be available and delivered as required. HHA is committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. HHA recognises that people from different backgrounds and/or cultures – whether staff, committee members, tenants or others – can all bring different skills, attitudes and experiences that can lead to fresh ideas and perceptions that will benefit the organisation, its customers and the wider community.

- **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 due to differences, their needs are met in different ways.

- **Protected Characteristics**

The grounds on which discrimination claims can be made as detailed in the Equality Act 2010 focuses on the "nine protected characteristics" of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and 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 or the service provided to customers.

- **Harassment**

Where a person/s engages in unwanted conduct related to one of the nine protected characteristics and if the conduct has the purpose or effect of violating

a person's dignity or creating an intimidating, hostile degrading, humiliating or offensive 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 have given evidence in a discrimination complaint raised by another person.

- **Positive Action**

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.

No quotas will be set by HHA but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy within the Association in comparison to the local community where they are under-represented.

Quotas mean that people are selected to join an organisation or group simply because of their membership of an under-represented group (e.g. because they are a disabled person) in order to 'make up the numbers'. This is known as positive discrimination, which is unlawful in the UK except in cases where there is a genuine occupational requirement, e.g. in the case of sex or race.

- **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 a 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 bases 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 the Director, all managers and agency workers.

- **Stakeholders:**

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

9. DATA PROTECTION

HHA will treat all personal data in line with its obligations under the current General Data Protection Regulation and its own Privacy Policy. Information regarding how the data will be used and the basis for processing data is provided in the Association's Privacy Notice.

10. EQUALITY IMPACT ASSESSMENT

This policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.

11. COMPLAINTS

The procedure for dealing with complaints under this policy is detailed at Appendix 1 and is complemented by HHA's Dignity at Work policy and the Code of Conduct for staff and committee members.

12. MONITORING AND REVIEW

Responsibility for monitoring the application of this policy will rest with the Director of HHA.

The policy will be reviewed every 3 years or earlier in line with any regulatory or legislative guidance/changes or good practice guidelines. Any amendments will be made as appropriate and communicated to all staff and relevant stakeholders.

APPENDIX 1

Procedure for dealing with Complaints under this Policy

1. Complaints: Employees

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 unintentional 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 another member of the management team) 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 if they believe the formal stage is necessary.

- **Formal Stage**

If the employee is dissatisfied with the outcome of the informal stage of the process, or if the complaint is very serious and is therefore not appropriate to be resolved informally, they should raise the matter in writing, detailing the complaint to their line manager (if the complaint is against their manager then another member of the management team). The complaint should then be dealt with under the Association's Grievance Procedures. 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 and Grievance Procedures.

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. (full details are within the Association's Terms and Conditions of Employment)

2. Complaints: Stakeholders

The right to be treated equally with dignity and respect extends to outside contractors, service users, customers and any other agencies that are associated with HHA. Therefore, all stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by the Association and appropriate action will be taken.

If a stakeholder feels that they are being discriminated against in the course of their contact with HHA, 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 HHA as soon as possible. It may be that the discriminatory action is unintentional 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 will result in appropriate action being taken which may include being refused access to the Association's premises or services.

- **Formal Stage**

Where informal action is not appropriate, does not resolve the matter or where 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 this may result in being refused access to the Association's premises, or refusing contact with its customers/ employees/committee members. In cases of physical violence or serious threats the appropriate manager will notify the police. If the complaint relates to an employee, the issue will be addressed in accordance with the Association's Disciplinary Procedure.

3. Complaints: By a Committee Member

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 HHA, 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 or the issue remains unresolved following the informal stage of the process, 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, etc.). In cases of physical violence or serious threats an appropriate manager will notify the police.

4. Complaints made against a Committee Member

Where a complaint is made against a Committee Member, Hillhead Housing Association's Code of Conduct will be used as appropriate. The complaint will be investigated by the Chair or another authorised person(s). 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.