



# Equality and Diversity Policy

V.5 – October 2021

<b>Policy Number</b>	<b>C.05</b>			
<b>Document Owner</b>	<b>Corporate</b>			
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<b>Reviewed by</b>	<b>Corporate Manager and SMT</b>			
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<b>Version Number</b>	<b>5</b>			
<b>Consultation Required</b>	<b>Yes</b>	<b>x</b>	<b>No</b>	
<b>Equalities Impact Assessment</b>	<b>Yes</b>		<b>No</b>	<b>x</b>
<b>Add to Website</b>	<b>Yes</b>	<b>x</b>	<b>No</b>	

<b>SSHC Reference</b>	Outcome 1 – Equalities Outcome 2 – Communication Outcome 3 - Participation
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<b>SHR Reference</b>	Standard 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.
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## Related Documents

- All policies contain a Equalities & Diversity statement
- Complaints Policy
- Equality Monitoring Form
- Equalities Impact Assessment Form

**Translation Statement**

If you have any difficulties reading this information or need further help understanding our processes please contact us. We can make this document available in a variety of formats. All you need to do is let us know what you need and we will try to assist.

**Compliance**

This policy has been drafted to ensure that it complies with current legislation and industry good practice.

**Equality & Diversity**

Fyne Homes is committed to providing services which embrace diversity and which promote equality of opportunity. As an employer we are also committed to equality and diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day-to-day working practices.

**Openness & Confidentiality**

Fyne Homes believes that its members, tenants and other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

**Data Protection**

Fyne Homes recognises that the Data protection Act 1998 is an important piece of legislation to protect the rights of individuals in respect to any personal information that we may keep about them, whether on computer or in manual systems. We are registered with the Information Commissioner as a Data Controller under the Data Protection Act and must ensure that our practices in the handling of personal information are of a high standard and comply fully with the Act.

## **1. Introduction**

- 1.1. Fyne Homes believes that every customer, member of staff and Committee member is entitled to be treated with openness, integrity and respect and that discrimination and disadvantage should be eliminated in all aspects of our service delivery management and employment practices.

## **2. Aim**

- 2.1. The overall aim of this policy is to ensure the Association acts on its commitment to equality and diversity and considers it in all aspects of our services as part of our existing culture of listening to and working with tenants and other customers
- 2.2. All staff and Committee members are expected to challenge discriminatory behaviour and highlight any instances of discrimination to senior staff.
- 2.3. We will comply with regulatory requirements and relevant guidance in relation to the collection of data relating to the protected characteristics. The data will be analysed and used to inform decision making, service design and policy review.
- 2.4. Breaches of this policy will be considered a serious disciplinary offence which may lead to an appropriate disciplinary sanction

## **3. Links to vision and strategic priorities**

- 3.1. This policy aims to fulfil the needs of the Association's Strategic Priorities, in particular: Meeting the needs and aspirations of our customers.

## **4. Legal and Regulatory framework**

- 4.1. This policy acts in accordance with the:
  - Human Rights Act 1998
  - Housing (Scotland) Acts 2001 and 2010 Equality Act 2010
  - Scottish Social Housing Charter
  - Scottish Housing Regulator regulatory standards
- 4.2. The Scottish Social Housing Charter identifies the following equalities obligations for social landlords:
  - 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.
- 4.3. The Standards of Governance and Financial Management 2.5 Standard 5.3 of the Scottish Housing Regulator's (SHR's) Standards of Governance and Financial Management states that:

- 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. Additionally, the revised SHR Regulatory Framework that was published in 2019 states that:
  - Each landlord 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;

4.4 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.

## 5. Definitions

5.1. Discrimination based on the following “protected characteristics” is against the Equality Act 2010.

- Age
- Being or becoming a transsexual person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race, including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex (Gender)
- Sexual orientation

5.2 Discrimination can assume a number of different forms, including:

- *Direct discrimination*: this is treating someone less favourably (or, in the case of pregnancy and maternity, unfavourably) because of a protected characteristic. An example of this would be paying someone less because of their sex or because they belong to a particular racial group. 'Because of' is very wide and will cover behaviour that takes place, for example because of sexual orientation, even if the person is not in fact gay, and even if the perpetrator knows that they are not gay. It also includes less favourable treatment because someone is associated with another person who has a protected characteristic, e.g. because a worker is the primary carer for a disabled child. Such treatment is unlawful unless, in relation to age only, it can be objectively justified, i.e. it is a proportionate means of achieving a legitimate aim;
- *Indirect discrimination*: this is treating a group of people in the same way, but in a way which adversely affects those with a protected characteristic. An example of this would be telling all employees that they have to work late at night—although applied to everyone, it will adversely affect those employees with childcare responsibilities. Such treatment is unlawful unless it can be objectively justified;
- *Victimisation*: this is treating someone less favourably because they have alleged discrimination or asserted their right not to be discriminated against because of a

protected characteristic. An example of this would be a disabled employee claiming that they had been discriminated against, who is then refused a reference by their manager because of that claim;

- *Harassment*: this is unwanted conduct, related to a protected characteristic, which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for someone or violating their dignity. Harassment may also be of a sexual nature. It may also occur where someone harasses the victim, the victim either rejects or submits to the harassment and, because of that rejection or submission, that person then treats the victim less favourably; and
- *Discrimination arising from disability*: this is unfavourable treatment of the disabled person because of something arising as a consequence of their disability. Such treatment is unlawful, unless it can be objectively justified.

## 6. Responsibilities

### 6.1. All members of the Committee should:

- Understand our equality and diversity commitment
- Ensure that consideration has been given to mainstreaming equality and diversity in all areas of governance
- Be committed to achieving equality and diversity at all levels
- Be responsible and accountable for the development of equality and diversity within the organisation
- Review progress as part of the normal planning cycle and report back to staff
- Monitor the organisations equality and diversity performance
- Require Equality Impact assessments against any decisions you make.

### 6.2. All managers/team leaders should:

- Understand our equality and diversity commitment
- Develop equality and diversity targets for yourself
- Through supervision with staff set equality and diversity targets within their daily activities
- Demonstrate and promote considerate and fair behaviour
- Contribute ideas for the advancement of these practises in the organisation
- Ensure that unacceptable behaviour is challenged and individuals are supported to change
- Promote a working atmosphere that encourages and supports the full diverse range of your staff
- Take firm action where unfair discrimination or inconsistency exists

### 6.3. All employees should:

- Understand our equality and diversity commitment
- Treat everybody with respect, consideration and without prejudice
- Promote the same levels of behaviour in your colleagues
- Recognise the diverse needs and experiences of everyone you come into contact with while at work

- With the support of your manager develop an equality and diversity target within your daily activities

## **7. Service development**

- 7.1. In our commitment to develop services that serve everyone, we complete an Equalities Impact Assessment (Appendix 1) and will consult with all of our customers, especially those with protected characteristics, to ensure that appropriate support is in place to meet their needs within our remit as a Registered Social Landlord.
- 7.2. As a minimum an EIA will be undertaken for all policy reviews or projects/initiatives which impact our staff or affect the delivery of our front facing customer service policies.
- 7.3. We will monitor the satisfaction of our customers with respect to the standard of service and accommodation and the quality of work. This will be reported on to Management Committee every 3 months.

## **8. Access to services**

- 8.1. We will ensure that all of our services are fully accessible to our customers, staff, potential customers and the community.
- 8.2. We will make reasonable adjustments for anyone requiring extra assistance or flexibility to the way we provide services.
- 8.3. We will make reasonable adjustments to physical features in our premises to ensure full access to services.
- 8.4. Tenants and potential tenants from as representative as possible a cross section of the community will be involved in the design process for development projects
- 8.5. Our developments will be built to barrier free standards to promote independence and maximise choice.

## **9. Victimisation, Harassment and Bullying**

- 9.1. The Association takes any form of victimisation, harassment or bullying around protected characteristics extremely seriously, and will deal with any situations in line with our Dignity at Work Policy and Policy on Neighbour Disputes, Harassment and Anti- Social Behaviour.

## **10. Recruitment and Selection of Staff/Committee**

- 10.1. When considering candidates for open positions, the Association will place higher emphasis on an individual's skills, abilities and experience than on formal qualifications. This will enable the Association to employ a more diverse workforce, raise the standard of staff, reflect the diversity of the community and bring in new skills and experiences.
- 10.2. Staff and Committee Members involved in interviewing candidates will receive training in equality and diversity before they begin interviews.

- 10.3. Steps will be taken to ensure that vacancies are advertised to the widest possible audience to promote applications from the most diverse pool of candidates.
- 10.4. When considering job applications, we will offer interviews to disabled applicants who have the appropriate skills/qualification where they are specifically identified. Shortlisting and appointments will be made solely on merit. We will assist disabled applicants with arrangement for interview as appropriate.
- 10.5. We aim to be accountable to the community we serve and we seek to ensure that the composition of our Committee is as representative as possible.

## **11. Terms and Conditions of Employment**

- 11.1. All contracts of employment will be issued in accordance with the job role and not the job holder.
- 11.2. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics.
- 11.3. However, any reasonable adjustments will be made to support employees in their role.
- 11.4. We will consider conditions of employment such as part time or job share working arrangements and appropriate leave for religious holidays.
- 11.5. 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.

## **12. Training and Development**

- 12.1. 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 of people reinforcing an image and equality and diversity.
- 12.2. The Committee, managers and staff will receive development to reinforce the organisation's commitment to equality and diversity. An ongoing programme will take place which ensures that all new staff understand and embrace equality and diversity.
- 12.3. Briefing sessions will be held for staff, managers and Committee members on equality and diversity issues. These will be repeated as necessary and in a variety of ways. Equality and diversity will also be included in induction programmes.

## **13. Redundancy**

- 13.1. Redundancy selection will be made according to the statutory requirements and in line with Fyne Homes Terms and Conditions on Redundancy. 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.

#### **14. Contractors**

- 14.1. We are committed to supporting and promoting equality and diversity objectives to contractors
- 14.2. The Association will require contractors to have in place an Equality and Diversity Policy. They will also be supplied with a copy of our Equality and Diversity Policy and expected to uphold the spirit of it.

#### **15. Risk Management**

- 15.1 The Association recognises the potential risk should we fail to adhere to the Equality and Diversity Policy. It is not only the Associations credibility that would be compromised, but that of the Management Committee should there be a major deviation from policy.
- 15.2 Allegations of a Breach will be managed under the Association's Disciplinary Procedures for staff and the Code of Conduct for Committee.
- 15.3 Any allegations against an individual carrying out a service on our behalf eg a contractor will be managed under the Association's Complaints Process.

#### **16. Monitoring and reporting**

- 16.1. Equality monitoring questionnaires are used for monitoring the recruitment/selection process to ensure equality and diversity. The analysis of results is reported to the Management Committee annually.
- 16.2. Equality monitoring is also undertaken for property allocations and is reported to Management Committee on a quarterly basis.
- 16.3. Equalities monitoring questionnaires for tenants and household members is carried out at the beginning of a new tenancy and thereafter annually alongside the qualifying occupiers survey.
- 16.4. All equalities information we gather will be collated using a consensual approach to meet our obligations in respect of law, regulatory requirements and to identify and address our customers' needs and improve our services
  - 16.4.1 Age - We gather age data to help us promote our equality objectives, to understand who is applying for homes, to help plan for the future and to provide the right services, to help us make appropriate allocation of homes – such as sheltered homes – and to make sure that there is no unlawful discrimination taking place.
  - 16.4.2 Belief or religion - We gather this data to help us to help us take account of religious beliefs in the delivery of services, for example, in taking account of religious holidays when arranging interviews for jobs or planning tenant participation events. It also helps us to monitor that there is no unlawful discrimination taking place.



- 16.4.3 Disability - We gather this to help us understand if a disabled person has any particular support needs and/or accessibility requirements, so we can meet our duty to make reasonable adjustments in how we deliver services or in how we recruit people. It also helps us to plan for the future and to provide the right services, to make appropriate allocation of homes, and monitor that there is no unlawful discrimination taking place.
- 16.4.4 Ethnicity - We gather to help us plan and deliver services that are relevant to the different communities we serve. It also to help us promote our equality objectives, including race equality, and to monitor and address any form of discrimination, including institutionalised discrimination.
- 16.4.5 Gender re-assignment (trans/transgender) - The term 'gender reassignment' is used within the Equality Act 2010, although we are aware there is currently an ongoing discussion on identifying a term that covers all gender identities, rather than simply the process of gender change. We gather this data to help us to address, with sensitivity, the needs of trans people in how we deliver our services. It also helps us promote our equality objectives and to monitor and address any form of discrimination.
- 16.4.6 Marriage or civil partnership - We gather this information to help us promote our equality objectives and to monitor and address any form of discrimination.
- 16.4.7 Pregnancy or maternity - We gather this information to help us promote our equality objectives and to monitor and address any form of discrimination, including in recruitment and employment.
- 16.4.8 Sex - We gather this information to help us promote our equality objectives, to inform planning and delivery of services, and to monitor and address any form of discrimination, including in recruitment and employment. We can also use this data to promote positive action initiatives that address the under-representation of women, including in fields such as the building industry.
- 16.4.9 Sexual orientation - We gather this information to help us promote our equality objectives, to inform planning and delivery of services, and to monitor and address any form of discrimination, including in recruitment and employment.

## 17 Reviewing process

- 17.4 This policy will be reviewed in line with the respective current Fyne Homes' policies, and/or where a change in legislation arises.
- 17.5 If there is a procedural delay in the policy revision then the relative legislation in force at the time will prevail.

Version number	Revision Date	Part of doc revised	Reason for revision	Approved by
5	Oct 2021	All	Policy revision and inclusion of protected characteristics	

## EQUALITY IMPACT ASSESSMENT

Name of policy/project/product to be assessed		Is this new or a revision?	
Person(s) responsible for the assessment		Date	
1. Briefly describe the aims, objectives and purpose of the policy / proposal			
2. Who is intended to benefit from the policy / proposal? (e.g. applicants, tenants, staff, contractors)			
3. What outcomes are wanted from this policy / proposal? (e.g. the benefits to customers/staff)			
4. Which protected characteristics could be affected by the proposal? ( <i>tick all that apply</i> )			
<input type="checkbox"/> Age <input type="checkbox"/> Married or Civil Partnership <input type="checkbox"/> Disability <input type="checkbox"/> Race <input type="checkbox"/> Pregnancy/Maternity <input type="checkbox"/> Gender <input type="checkbox"/> Religion or Belief <input type="checkbox"/> Gender Reassignment <input type="checkbox"/> Sexual Orientation			
5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.			

<p>6. Describe the likely impact(s) the policy / proposal could have on the groups identified in part 4 (<i>negative and positive</i>)</p>	<p>Positive Impact</p>	<p>Negative Impact</p>
<p>7. What actions are required to address the impacts arising from this assessment? <i>(Is there any significant difference eg have you stopped, changed, or justified continuing the policy, process , project. Actions might include; collecting additional data, putting monitoring in place, specific actions to mitigate any negative impacts)</i></p>		
<p>8. Detail who has been engaged in consultation or involvement in developing this assessment</p>		
<p>9. List any research or evidence references or disability networks used</p>		

<p>Signed</p>	<p><i>Person undertaking assessment</i></p>	<p>Job Title</p>		<p>Date</p>	
<p>Signed</p>	<p><i>Peer Review</i></p>	<p>Job Title</p>		<p>Date</p>	

**Please attach the completed document as an appendix to your proposal/policy report.**