



POLICY

Equality and diversity policy

Wellhouse - The Place to Be

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Note: In this document, we refer generally to the equality and diversity policy simply as “our policy.”

Section 1: Our equality strategy

1.1. Policy links to organisational governance

Our equality and diversity policy is part of organisational governance whose values underpin our employment and housing services.

The policy describes the framework of principles that we apply to address unlawful discrimination and to promote equality objectives.¹

1.2. Mainstreaming of policy objectives

In order to implement our policy effectively, we have established a comprehensive equality action plan which covers all organisational services.² This action plan is a practical document that serves to incorporate equality matters throughout actual services. This process is generally referred to as “equality mainstreaming.”

1.3. Summary

Our equality and diversity policy is central to organisational governance and is used to promote equality values throughout organisational services. Section 2 now explains the regulatory framework on which our policy is based.

¹ This includes any form of unlawful harassment and/or victimisation.

² Section 4 also refers to other equality procedures that we use to achieve effective equality mainstreaming.

Section 2: The regulatory framework

Section 2 explains the regulatory framework that determines our equality policy objectives.³ Appendix 1 provides examples of other relevant laws.

This is not intended as a precise statement of law, but a plain language summary of key points.

2.1. The Equality Act 2010

Equality law is complex and our policy takes account of a diverse range of legislation.⁴

The Equality Act 2010 is the main Act whose provisions regulate our services.⁵

Two key issues which are relevant to our policy are summarised below by reference to the protected characteristics and the public sector equality duty.

2.2.1 The protected characteristics

The protected characteristics are those grounds on which discrimination is unlawful.⁶

The nine protected characteristics, in alphabetical order, are:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

2.2.2. The Public Sector Equality Duty

The Equality Act 2010 requires specified public authorities to meet the Public Sector Equality Duty.

This Duty requires specified public authorities to:

- eliminate unlawful discrimination;
- advance equality of opportunity between people with – and those without – a protected characteristic; and
- foster good relations between people with – and those without - a protected characteristic.

Notes: Equality law does not focus only on eliminating unlawful discrimination, but on promoting equality objectives.

Other relevant laws are explained in Appendix 1.

³ The term “regulation” is used to denote the range of rules that govern practice, including law, regulatory standards and other guidance.

⁴ See Appendix 1 for further information.

⁵ Equality law is subject to ongoing change, including the Equality Act 2010. For instance, the duty to address socio-economic disadvantage for specified public bodies came into force in Scotland in 2018. This is significant as addressing poverty issues associated with social class is critical in the Scottish social rented housing sector.

⁶ Discrimination has various meanings in law; discrimination can, therefore, take different legal forms.

2.3. Regulatory standards

The Scottish Housing Regulator issues regulatory standards to which we must comply. This includes equality related standards as described below.

Housing service standards

The Scottish Social Housing Charter, for example, requires us to implement 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.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender re-assignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation. It includes landlords’ responsibility for finding ways of understanding the different needs of different customers and delivering services that recognise and meet these needs”

(Scottish Social Housing Charter, 2017).

Finance and governance

The Scottish Housing Regulator's financial and governance standard requires us to conduct our affairs with honesty and integrity (Standard 5). 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 (our) work, including (our) governance arrangements”

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

Another important regulatory standard relating to equal opportunity is covered under the Scottish Housing Regulator's assurance and notification requirements.

In line with this standard, we must:

“Have assurance and evidence that (we) consider equality and human rights issues properly when making all of (our) decisions, in the design and review of internal and external policies, and in (our) 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.”

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

Codes of practice

The Equality and Human Rights Commission issues codes of practice that regulate services of appropriate social housing landlords. These codes cover both employment and services. These include statutory and non-statutory codes.

2.4. Summary

Equality law is complex and, like all law, is subject to ongoing change. In Scotland The legislative framework is supported by specific regulatory requirements and other good practice guidance. Our policy is derived from this regulatory framework.

Section 3: Our policy principles

3.1. Our principles

We have established a policy framework that is based on ten core principles. These principles constitute our organisational commitments that we meet in service delivery.

The regulatory framework

We meet all relevant statutory and regulatory provisions concerning equality matters.

Strategic planning

We use our equality action plan to embed equality matters throughout all of our organisational services.

Supporting equality procedures

We have developed specific equality procedures to support us in the implementation of our policy.

Collecting and using equality data

We collect a range of equality data and use this to provide appropriate services to tenants, other customers, staff and committee.

Organisational information

We assess organisational information before publication so that it is accessible, accurate and appropriate, for instance, by using positive language that promotes respect for other people.

Working with other organisations

We will work in partnership with other organisations to promote our equality objectives.

Equality training

We deliver equality training to our staff and committee members; this includes consciousness raising that is important to address different forms of unlawful discrimination.

Managing performance

We have developed an internal system of equality performance indicators that we include within a range of specified policies and procedures.

Tenant participation strategy

We consult with tenants and other customers on our equality policy principles through our tenant participation strategy.

Policy review

We review our policy every three years, or sooner if required as a result of legal changes and/or equality guidance.

3.3. Summary

Our equality policy principles explain our commitments that we apply to mainstream equality values throughout all our organisational services. These policy principles are linked to our equality action plan, as well as internal procedures, to promote a comprehensive approach to equality mainstreaming.

Section 4: Implementing policy into practice

The implementation of equality policy principles is achieved through the equality action plan. It is supported, though, in practice through a range of other internal staff procedures. These are as follows:

- equality data collection procedure;⁷
- equality impact assessment procedure (EIA);
- addressing discrimination and harassment procedure; and
- our appropriate language guide.

4.2. Summary

We have developed a range of internal procedures to support the equality mainstreaming process. These procedures are inter-dependent and enable us to implement equality policy principles coherently and consistently.

⁷ The data that we collect is mainly data in relation to the protected characteristics. Section 6 provides further information as to why we collect equality data.

Section 5: Equality training

5.1. Equality training

Equality training is critical to the effective implementation of our equality policy principles.

Equality training consists of various activities; examples of training are provided below.

Law and guidance

This type of training includes issues such as training about equality law in relation to employment and services, for instance, the Equality Act 2010. It also includes training about regulatory standards in housing produced by the Scottish Housing Regulator, for example, the National Guidance in relation to equality data collection.

Policy and procedural training

This type of training covers issues such as our equality policy and related action plan, as well as our internal equality procedures.

Technical training

Technical training covers issues such as carrying out equality impact assessments to mainstream equality principles throughout policies and procedures.

Consciousness raising training

Consciousness raising training covers issues such as:

- recognising and addressing different forms of discrimination and harassment; and
- promoting awareness of theoretical perspectives that are promoted by the Equality and Human Rights Commission, for instance, the social model of disability.

5.2. Summary

Equality training is essential if equality policy principles are to be implemented effectively. Equality training has, therefore, been incorporated within our training strategy as a mandatory activity for both staff and committee members.

Section 6: Managing performance

In this section we explain:

- why we collect equality data;
- what equality data we monitor;
- methods used to collect equality data; and
- access to equality data.

6.1. Why we collect equality data

We collect equality data for various reasons, for instance, to:

- meet our statutory and regulatory duties;
- identify any form of unlawful discrimination to allow us to address such conduct; and
- evaluate issues for further review and development, including implementing positive action initiatives.

6.2. What equality data we monitor

We monitor data in line with law and National Guidance issued by the Scottish Housing Regulator.

We ensure that our equality data processing complies with relevant data protection provisions as set out in our data protection strategy.

Note: We provide regular equality related reports to committee members to enable members to monitor policy implementation effectively.

6.3. Methods used to collect equality data

We collect equality data through ways specified in our equality data collection procedure, for example, through our equality monitoring form.

6.4. Access to equality data

We regulate access to – and usage of - personal data in line with our data protection policy and procedures. This is done to ensure that personal data is processed in line with data protection law.

6.5. Summary

Equality data collection is a central element within our equality action plan. We collect equality data for various reasons, including to comply with statutory and regulatory duties. Fundamental to this process is that we use equality data to address the needs of individual employees, tenants and other customers. We process equality data only if this meets provisions set contained in data protection law.

Section 7: Positive action programmes

7.1. Background

Positive action is promoted in law and is used to address historic patterns of discrimination experienced by people with relevant protected characteristics.⁸

It is important to distinguish positive action from positive discrimination which is, in general, unlawful.

These concepts are summarised below in plain language; this is not intended as a precise statement of law.

Example of positive action

A positive action initiative could involve encouraging women to apply for jobs in repairs and maintenance. This might be relevant as social landlords have traditionally employed mainly men in this type of employment.

Positive discrimination

Positive discrimination is, in general, unlawful. Positive discrimination involves treating people more favourably than other people in relation to one of the relevant protected characteristics, for example, due to their sex.⁹

7.4. Our positive action initiatives

We may implement positive action initiatives, as appropriate.

7.5. Summary

We may develop positive action initiatives, as appropriate, as part of our equality action plan. We aim to base these on an assessment of local and national equality patterns so that we can address patterns of disadvantage. By adopting this approach, we may address barriers to employment, services and training opportunities affecting people with particular protected characteristics.

⁸ Positive action programmes are subject to specific criteria that are not described here, but are included within our organizational procedures.

⁹ Appointments on the basis of sex or racial groups could be permitted in law, for instance, if these are deemed to be essential for the specific post in question. These are referred to as "genuine occupational requirements." One example of this could be appointing a Somali woman to provide rape counselling advice to Somali women who are victims of rape.

Section 8: Partner organisations

8.1 Promoting our equality principles

We develop partnerships with other organisations to promote effective implementation of our equality policy; this includes working with local housing associations. This is important as partnership working enables us to take a more comprehensive approach, as well as enabling resources to be pooled.

8.2. Partner organisations with which we work

We will work with other organisations to promote equality objectives.

8.3. Summary

We will work with a select range of other organisations and we will monitor this through our equality action plan. This may include working with organisations which operate at either local or national levels.

Section 9: Addressing appeals or complaints

9.1. Appeals

We provide information to our employees, tenants and other customers about how they can obtain advice and assistance in relation to appeals concerning equality matters.

In the case of employees, appeals concerning equality and employment matters are dealt with by employment tribunals.

In the case of tenants and other customers, appeals concerning equality and housing matters would be referred to the Sheriff Court.

9.2. Complaints

We address any equality related complaints through our complaint handling procedure. We provide information about our complaint procedure to all of our tenants and other service users.

We define a complaint as:

any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

Complaints are processed in accordance with our complaints procedure. [If You Have A Complaint | Wellhouse Housing Association \(wellhouseha.org.uk\)](https://www.wellhouseha.org.uk)

9.3. Summary

We advise people who want to lodge appeals concerning equality matters with information as to where independent legal advice might be obtained. This promotes our commitment to human rights by supporting people's rights to access a fair and independent hearing. We also provide tenants and other customers with information about our complaint process.

Section 10: Reviewing our policy

10.1. Consultation about our equality policy

Consultation is a central aspect of our tenant participation strategy and we consult with tenants and other persons about our equality policy principles.¹⁰

10.2. Review of equality policy

We review our equality policy every three years or sooner if required as a result of legal changes and/or equality guidance.

10.3. Summary

We consult with tenants and other people when developing our equality policy; this is done based on the provisions within our tenant participation strategy. We review equality policy, as appropriate, and ensure that policy reviews reflect developments in law and related guidance.

¹⁰ We use equality data that we collect to inform our consultation processes so that they are linked to the access requirements of individual people, as appropriate.

Appendix 1: Law and guidance

This section notes other important legislation that we take into account when developing our strategy. A detailed list of relevant laws and guidance is not provided as this is quickly outdated due to ongoing changes as law and guidance evolve.

Other important legislation

The Scotland Act 1998¹¹

The Scotland Act 1998 defines equal opportunities in Scotland. This includes grounds other than the protected characteristics. For example, social origin and personal attributes are both covered by the statutory definition.

Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010¹² requires all social landlords in Scotland to “act in a manner to encourage equal opportunities.”

This provision is important insofar as this requirement includes all equality related law; this is, therefore, central to the equality mainstreaming process.

Human Rights Act 1998 (as amended)

This Act provides for a range of important rights. Present legal developments are likely to impact on existing provisions so this section will be updated in due course.

Secondary legislation

There is a large number of statutory instruments (and Scottish statutory instruments) available on the Scottish Government website. For example, SSI 2017 No. 403 The Equality Act 2010 (Commencement No. 13) (Scotland) Order 2017. The Order introduced the duty contained in the Equality Act 2010 from 1 April 2018.

Equality and Human Rights Commission

The statutory and non-statutory codes are available on the Equality and Human Rights Commission’s website.

Research

Montgomery, S, Dr, 2011, “A critical assessment of factors that are necessary for the effective implementation of equality rights within services provided by Glasgow’s housing associations,” Master of Philosophy Thesis presented to the University of West of Scotland: Glasgow.

Housing guidance

Guidance on equality practices is comprehensive and covers many issues, both specialist and general.

With reference to housing specifically, examples of guidance and research are as follows:

CIH (2010) Equalities and Diversity in housing, CIH Scotland.

CIH (2011) Delivering the Equality Act 2010, CIH.

¹¹ Like the Equality Act 2010, this Act has been subject to amendments.

¹² See the Housing (Scotland) Act 2010, section 39.

CIH (2009) Equality, Diversity and Good Relations in Housing, Good Practice Brief, CIH.

Jeffrey, J and Seager, R, 2011, Equality and diversity: a framework for review and action (3rd edition), National Federation of Housing Associations.