

<b>COR09</b>	<b>ADOPTED: 29.05.96</b>	<b>REVIEWED: 20.02.98; 28.02.01; 26.02.03; 22.02.06; 29.04.09; 26.01.11; 29.01.14; 29.03.17;</b>
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## **EQUALITY AND DIVERSITY POLICY**

### **1.0 INTRODUCTION**

1.1 Prospect Community Housing is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Equality and Diversity will be part of our business practice in all of our activities. This policy is split into the following three areas:

- a) Housing Management and Maintenance
- b) Governance
- c) Employment

1.2 This policy describes how we will seek to implement equality and diversity across the association, and combat discrimination. It covers discrimination by and towards members of the public, Committee Members, members of the Association, employees, applicants, tenants, factored owners, contractors, suppliers and staff from other agencies.

1.3 We will aim to ensure that everyone we deal with is treated with fairness and respect and is not discriminated against on the grounds of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

These are known as 'protected characteristics' under current legislation.

- 1.4 We will aim to ensure that no employee is disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance.
- 1.5 Prospect will work to reduce the inequalities of outcome which result from socio-economic disadvantage.
- 1.6 This policy complies with the Equality Act 2010, which replaces and incorporates all previous legislation on discrimination. Under this legislation we have a responsibility to comply with the General Equality duty, but not the Specific Provisions that apply to named Public Authorities.
- 1.7 For definitions of the words and phrases used regularly in discrimination legislation etc. see Appendix 1.

## **2.0 THE SCOTTISH SOCIAL HOUSING CHARTER**

The relevant standards and outcomes for the Equality & Diversity Policy are:

### *Outcome 1: Equalities*

Social landlords perform 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.

## **3.0 HOUSING MANAGEMENT & MAINTENANCE**

### **Allocation of housing**

- 3.1 We will maintain an open housing list through participation in 'EdIndex' – the City of Edinburgh common housing register – and will seek to be as accessible as possible to those with a housing need. We will encourage applications to be submitted at any time in the year.
- 3.2 By implementing clear procedures we will aim to ensure that in considering each application and making decisions on the allocation of housing we do not discriminate against any groups or individuals on any of the grounds listed in para. 1.3 above.

### **Housing management & maintenance services**

- 3.3 We are committed to providing equal access to all aspects of our housing management & maintenance services and will ensure that the principles of equality and diversity underpin all we do in this area of activity. Through implementing clear policies and procedures we will seek to ensure that we do not discriminate against any groups or individuals on any of the grounds listed in para. 1.3 above.

### **Consultation and participation**

- 3.4 Through engaging in regular consultation with our tenants and other users of our services we will seek to ensure that their views and priorities are incorporated into our decisions and future planning.

- 3.5 We will seek regular feedback on the quality and provision of our services through ad hoc individual surveys or questionnaires, and major tenant satisfaction surveys.
- 3.6 We will encourage tenant involvement in our activities, in particular through encouraging membership of the Association and election to the Management Committee. We will collect Equality and Diversity information regularly, for example through the tenant survey.

### **Information to tenants & others**

- 3.7 To maximise access to services we will provide all tenants with full, clear and accurate information about their tenancy, in compliance with current law and good practice guidelines. For further details see our Tenancy Agreement and Tenant Handbook.
- 3.8 Where required we will provide information, application forms, guidance notes etc. in a variety of formats on request, to ensure that all groups have equal access to the information etc. that they wish to or need to have.

### **Factored owners**

- 3.9 We will seek to ensure that the services we provide to factored owners and the charges we make for these services do not discriminate against any groups or individuals on any of the grounds listed in para. 1.3 above.

### **Design and upgrading of housing**

- 3.10 We will ensure that all our new housing is designed to current 'housing for varying needs' standards. For further details see our current Design Brief.
- 3.11 We will seek to ensure that, subject to the physical constraints of each site and the identification of need following appropriate assessments and consultation with partners, each new development incorporates the provision of housing for those with specific physical or learning needs, including 'accessible' homes.
- 3.12 In carrying out planned maintenance or improvement projects we will, where appropriate and possible, seek to ensure that any upgrading of existing housing includes bringing the properties up to 'housing for varying needs' standards.
- 3.13 We will seek funding annually from the Scottish Government, through the City of Edinburgh Council, for the provision of specialist aids or adaptations to existing properties so that those with specific requirements may continue to live in their home with as much independence, privacy and dignity as they wish to have.

### **Management services**

- 3.14 We will seek to ensure that where management services are provided to us or on our behalf by another organisation, the provider of such services either has an acceptable Equality & Diversity policy or agrees to adopt this policy.

## **Procurement**

- 3.15 We will seek to ensure that any consultants, contractors or suppliers that we appoint either have an acceptable Equality & Diversity policy of their own or are willing to adopt this policy.
- 3.16 We will seek to ensure that, as well as complying with all current statutory and good practice requirements, when we are making procurement decisions we do not discriminate against any groups or individuals on any of the grounds listed in para. 1.3.

## **4.0 GOVERNANCE**

### **Association & Committee Membership**

- 4.1 We will seek to ensure that membership of the Association and participation in our activities are open to all and that we do not discriminate against any groups or individuals on any of the grounds listed in para. 1.3.
- 4.2 We will ensure that all Association members have equal opportunity to be nominated for and elected to the Management Committee and to participate fully in Committee, Sub-Committee and Working Group meetings. We will work to ensure that the Management Committee is representative of the community whom they serve.

### **Committee and Staff Responsibilities**

- 4.3 We recognise that the existence of a policy does not in itself guarantee or provide equality in access, opportunity or outcome, and that the success of this policy depends on the commitment in practice of all Management Committee Members and staff.
- 4.4 The Chairperson of the Management Committee has the overall responsibility for ensuring that this policy is implemented in every area of our activities.
- 4.5 The Director is responsible for the day-to-day implementation of this policy, for ensuring that Managers implement the policy with and through their staff, and for ensuring that our policies, procedures, terms and conditions of employment, publications, information material, advertisements and application forms etc. do not contain any statements or conditions which would breach this policy or current statutory requirements.
- 4.6 We expect all Committee Members and staff to:
- apply the policy in their activities and day-to-day work;
  - challenge any discriminatory behaviour they become aware of;
  - report to a Manager, the (Depute) Director or the Chairperson, as appropriate, any instances of actual discrimination.
- 4.7 Failure to comply with this policy or any related policies and procedures by a staff member may result in disciplinary action being taken at the appropriate level, according to the seriousness of the circumstances.
- 4.8 Failure to comply with this policy or any related policies by a Management Committee Member will be regarded as a breach of the Committee Members' Code of Governance and Conduct

and will be dealt with under that Code. A serious breach of the policy may result in the Committee Member being required to resign.

## **Equality Impact Assessments**

- 4.9 Whenever a major change is being made to a policy or procedure, or where we are embarking on a new project or changing an existing project, consideration will be given as to whether a full Equality Impact Assessment (EQIA) needs to be carried out. An EQIA pro-forma has been developed to assist with this.
- 4.10 The Equality and Diversity Procedure sets out how and when this pro-forma will be used, and what would prompt a full Equality Impact Assessment being carried out.
- 4.11 Complex Equality Impact Assessments will be referred to the Equalities Working Group for them to consider any implications and give input when the outcome of the initial assessment is not clear.

## **5.0 EMPLOYMENT**

- 5.1 Committee Members and Managers who are likely to be involved in staff management or recruitment will, as part of our on-going training and development programmes, receive guidance and training on the effect which generalised assumptions and prejudices can have on decisions and in particular on the importance of complying with the Equality Act as it relates to our duties as an employer.
- 5.2 Our commitment to Equality and Diversity as it relates to recruitment is set out in our Recruitment Policy, and is not therefore covered again here.
- 5.3 We will implement and monitor good employment procedures and practices for all staff and will seek to ensure that we do not discriminate against any groups or individuals on any of the grounds listed in para. 1.3. A copy of this policy will be issued to each new employee and made available to existing employees.
- 5.4 We will consider the institution of positive action programmes if there is evidence that members of particular groups are under-represented in the staff complement.
- 5.5 We will monitor the number and type of people terminating their employment to establish why they are leaving and whether we need to take any action as a result of any trends etc. emerging.

## **6.0 IMPLEMENTATION AND REVIEW**

- 6.1 The Corporate Services Officer will submit an annual report on the implementation of this policy to the Management Committee (content covered in Appendix 2).
- 6.2 Any action required to promote equal opportunities arising from an annual review will be incorporated in that year's Business Plan.
- 6.3 The Director will ensure that this policy is reviewed at least every three years by the Management Committee.

Reviewed by the Management Committee on 29 March 2017

Next review due by: March 2020

## EQUALITY & DIVERSITY - DEFINITIONS

### Diversity

Diversity is about valuing individual differences. We are committed to valuing and managing peoples' difference to enable everyone to contribute and realise their full potential. We recognise that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit us as well as build respect for all clients.

### Equality

Equality is making sure people are treated fairly and given fair chances. **Equality is not about treating everyone in the same way, but recognising that their needs are met in different ways.** Equality focuses on those areas covered by the law (the 'protected characteristics' - see para. 1.3 of the policy).

### Direct Discrimination

Direct discrimination is treating someone less favourably than others because they share one of the 'protected characteristics'.

### Indirect Discrimination

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

### Discrimination by association

Discrimination by association may occur where a staff member suffers discrimination because they have a family member, friend or colleague who has one of the 'protected characteristics'.

### Discrimination by perception

Discrimination by perception may occur where a member of staff suffers discrimination because others **think** they share one or more of the 'protected characteristics', even if the person does not actually have that characteristic.

### Harassment

Harassment is conduct that violates a person's dignity or creates an intimidating, hostile degrading, humiliating or offensive working environment. The intention of the perpetrator is irrelevant. It is the impact on the individual which determines whether harassment has taken place.

## **Sexual harassment**

Sexual harassment includes:

- a) unnecessary touching or unwanted physical contact;
- b) suggestive remarks or other verbal abuse;
- c) leering at another person's body;
- d) compromising invitations;
- e) demands for sexual favours;
- f) physical assault.

## **Racial harassment**

Racial harassment may be defined as: "Violence which may be verbal or physical, including attacks on property as well as on the person, which is suffered by individuals or groups because of their colour, race, nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism". (Commission for Racial Equality definition.)

## **Third party harassment**

Third party harassment is the harassment of an organisation's staff by others (third parties) who are not staff members, e.g. applicants, tenants or members of their household, contractors' staff or other members of the public.

## **Victimisation**

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

## **Positive Action**

Positive action is 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. We will not set any quotas but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy, where they are under-represented in comparison to the composition of the local community.

## **Reasonable Adjustments**

These are reasonable steps taken to prevent a disabled person from being substantially disadvantaged in their job. A reasonable adjustment could take the form of making a change to a provision or practice, or the physical features of the premises. It could also mean a change in the support an employee received to do their job well, or to gain new skills.

**EQUALITY & DIVERSITY POLICY - MONITORING REPORT**

The annual monitoring report on the Equality & Diversity policy will be produced to include:

- An update on the progress made under Prospect's Equality and Diversity Charter action plan (based on the CIH Equality & Diversity Charter).
- A summary of the statistical data available for tenants, perspective tenants, staff and Committee members under each protected characteristic (where possible) with observations and key considerations.

**NOTES**

1. All data will be anonymised to ensure no references to individuals.

## PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy</b>	Equality & Diversity policy	
<b>Department</b>	Corporate	
<b>Who is involved in the EQIA?</b>	Management Team/ Julie Thynne	
<b>Type of policy/ practice/ strategy</b>	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
<b>Date completed</b>	07/02/17	

### Stage 1: Screening Record

#### **What is the main purpose of the policy?**

This policy describes how we will seek to implement equality and diversity across the association, and combat discrimination. It contributes to meeting the following outcomes of the Scottish Social Housing Charter:

- 1 – Equalities

#### **Who will the policy benefit and how?**

The policy will affect all tenants, service users, employees, committee, stakeholders and the wider community by promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Equality and Diversity will be part of our business practice in all of our activities.

#### **For each equality group, does or could the policy have a negative impact?**

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

#### **Are there any potential barriers to implementing the policy?**

E.g. capacity or financial issues. Are there any factors that might prevent the desired outcomes being achieved? None identified.

	Yes	No
<b>Is a full EQIA required?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **If you answered no to the above question explain why a full EQIA is not required:**

No impact on equalities identified:	<input type="checkbox"/>
Other:	

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected. Implementation of Cx will assist with data collection.
Tenant satisfaction survey		Survey carried out in 2016	Age, disability, gender, ethnicity. In some cases other protected characteristics	Data becoming out of date. Implementation of Cx will assist with data collection.
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	Implementation of Cx will assist with data collection and analysis of protected characteristics
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Edinburgh Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
EdIndex data		Statistical data provided for individuals on the housing waiting list	Age, disability, gender, ethnicity. In some cases other protected characteristics.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	

### Stage 3: Assessing the impacts

**How might the policy impact on people who share protected characteristics?** Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	The policy promotes good practice and safeguards against discrimination in service provision and employment practices. We monitor statistics in this area on an annual basis.
Disability	As above.
Gender reassignment	The policy promotes good practice and safeguards against discrimination in service provision and employment practices. We do not currently gather statistical data for this characteristic.
Marriage & civil partnership	As above.
Pregnancy & maternity	As above.
Race	The policy promotes good practice and safeguards against discrimination in service provision and employment practices. We monitor statistics in this area on an annual basis.
Religion or belief (including no belief)	As above.
Sex	As above.
Sexual orientation	The policy promotes good practice and safeguards against discrimination in service provision and employment practices. We do not currently gather statistical data for this characteristic.

#### **How does the policy promote equality of opportunity?**

This policy has been designed to positively impact not just on people who share protected characteristics in terms of the Equality Act 2010, but should also positively impact all groups. It sets out Prospect's commitment to the advancement of equality and the prevention of discrimination.

#### **How does the policy promote good relations?**

Through the policy Prospect aims to promote good relations by implementing consistent and fair practices for everyone regardless of their protected characteristics. Prospect also brings together groups to consult on a variety of topics affecting service delivery.

## Stage 4: Decision making and monitoring

### ***Identifying and establishing any required mitigating action***

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### ***What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?***

We monitor our complaints to identify any potential equalities related concerns or issues and through the introduction of our tenant scrutiny programme we will be able to assess the impact of our service delivery on a range of groups. This will help us to make changes to our services if required.

### ***Describing how Equality Impact analysis has shaped the policy making process***

No changes have been made as a result of the equality impact assessment.

### ***Monitoring and Review***

Equalities data for staff and Management Committee is monitored on an annual basis and data is gathered via the tenants survey every three years. The Equalities Working Group meets three times a year and monitors progress of the Equalities Action Plan. Equalities data and the Equalities action plan are reported to the Management Committee annually. The Equality & Diversity policy is reviewed every three years.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, marriage or civil partnership, race and religion or belief have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken for **Equality & Diversity Policy**.**

**Name: Catherine Louch**

**Position: Housing Manager**

**Authorisation date: 07/02/17**