



Equalities & Human Rights Policy

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West of Scotland Housing Association

Equalities & Human Rights Policy

Subject	Equalities & Human Rights Policy
Implementation date	October 2019
Last Review date	March 2023
Next review date	March 2026
Relevant Legislation and Guidance	Equality Act 2010 Human Rights Act 1998 Housing (Scotland) Act 2010 Scottish Social Housing Charter European Convention on Human Rights
Relevant Policies	Organisational wide where services are provided
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1. Policy Statement

The West of Scotland Housing Association (WSHA) Equalities & Human Rights Policy (EHRP) sets out the key principles we will strive to achieve as a landlord, service provider and employer to promote equality and diversity throughout our organisation.

Our Vision

We go further to provide housing you call home.

Our Values

- Respect - we treat everyone with empathy and kindness
- Integrity - we act with integrity and honesty at all times
- Inclusive - we aim to meet individual needs and recognise diversity
- Support - we will be supportive in our approach with customers, staff and stakeholders
- Improvement - we aim to continuously improve what we do to benefit our customers, staff and stakeholders.

WSHA strives to achieve value for money in all of our activities and our overall aim is to have innovative and exciting communities where people want to live and thrive.

Our Customers

WSHA has a diverse customer base of over 4,200 households including 39% of our tenants who are over 60, five percent of tenants are from a BAME background and 62% of our lead tenants consider themselves to be female. WSHA will strive to better understand the needs of our tenants in terms of the nine protected characteristics to improve and enhance our services to them and ensure they are supported in line with our values.

2. Legislative and Regulatory requirements

The Equality Act 2010 consolidated existing equality legislation for equal pay, sex discrimination, disability as well as employment and rehabilitation of offenders. The Act specifies how individuals and groups are to be protected from direct or indirect discrimination, harassment or victimisation.

Section 149 of the Equality Act requires the Association to comply with a general equality duty that we strive to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected

characteristic and those who people who do not share it. There are nine protected characteristics covered by the 2010 Act.

- **Race:** A group of people defined by their race, colour, and nationality including citizenship, ethnic or national origins.
- **Sex:** A man or a woman.
- **Sexual orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes, including lesbian, gay, bisexual or heterosexual.

- **Gender reassignment:** Where someone has changed or is changing or has proposed changing their sex, called 'gender reassignment' in law, including a trans man or trans woman.

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

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

- **Age:** Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 – 30 year olds).

- **Pregnancy and Maternity:** Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and includes treating a woman unfavourably because she is breastfeeding.
- **Marriage and Civil Partnership:** Marriage is a union between a man and a woman or between a same-sex couple. Same sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Housing (Scotland) Act 2010: Scottish Housing Charter

The refreshed Charter (2017) identifies equalities obligations to be met by social landlords:

- *Performing all aspects of their housing services so that every tenant and other customer has their individual needs recognized, 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.*

Housing as a Basic Human Right

The right to adequate housing was recognised as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights, and in the 1966 International Covenant on Economic, Social and Cultural Rights.

The Scottish Human Rights Commission has stated, "Adequate housing is a universal human right, applicable to all without discrimination and plays an essential role in the realisation of the right to an adequate standard of living".

Regulatory Standards on Equality

The Scottish Housing Regulator standards and guidance state that:

The RSL pays due regard to the need to eliminate discrimination, advance equality and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

3. Policy Objectives

We will ensure respect, fairness and understanding in how we treat tenants, our customers and work colleagues. We are committed to valuing diversity and to eliminating discrimination across the protected groups. We want everyone to have the same opportunities regardless of their background. The challenge we face is to embed our EHRP objectives into the full range of our activities.

We will strive to:

- Treating all individuals fairly
- Take a zero tolerance of all forms of unlawful discrimination, harassment and victimization
- Support and nurture diversity especially for the nine protected groups identified in the 2010 Act
- Strive for equality of opportunity and good community relations, taking action to identify and help remove barriers between different groups
- Providing services that are accessible and responsive to the needs of all our customers.

4. How we will implement our Equalities & Human Rights Policy

WSHA will develop an Equality and Human Rights Strategy and Action Plan to support the objectives of this Policy. The Action Plan will identify key priorities in areas of employment practice and service improvement that we are seeking to address. The Plan itself will run for a 3-year period subject to annual review. We will also ensure that equality impact assessments are carried out when reviewing relevant policies. A working group has previously been established to monitor progress and delivery of the Plan.

We will strive to meet the needs of all our diverse customers and promote equality of opportunity. Our policy covers both our functions as an employer and our role in providing housing and support services for our tenants and customers:

WSHA recognises the importance of data protection legislation, including the General Data Protection Regulation (GDPR), in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer.

We will adhere to best practice in relation to the collection of equalities data. Further details are provided in our 'Collecting Equalities Data' Procedures.

In our governance

- Give clear leadership, communication and governance to equalities with the Board and Chief Executive having ultimate responsibility for ensuring progress is made across the organization

In the way we deliver services

- Ensure we consult and engage with staff, contractors and customers to make sure that discriminatory practice is eliminated from services we provide that we recognize the diverse nature of our customers and those we work with
- Develop robust information about our employees and customers based on the personal characteristics defined in the 2010 Equality Act, to better understand trends and issues that might help improve and enhance our services.
- Provide an operational focus to ensure we are compliant with our legislative and regulatory duties.
- Uphold values of respect, fairness and understanding.

Within our workplace

We have a separate staff policy setting out in more detail our equalities commitments within our workplace that commits the Association to:

- Take action to ensure our workforce achieves better representation, embraces diversity and that colleagues at work are treated with fairness and respect from each other and from members of the public, Board members, and contractors and are valued.
- Provide policies, procedures and working practices that support and promote equality and fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds.
- Provide a working environment that recognizes the individual needs of customers and our staff and offer a culture that respects and values each other's differences and promotes dignity, equality and diversity.

- Provide training and equip staff to understand specific individual needs of our customers and how services can be adjusted to meet their needs.
- Ensure we prioritise our work on equality and diversity and foster good relations by understanding the local and community context.

5. Groups that can suffer discrimination (in addition to those with protected characteristics)

In addition to the protected characteristics, we will take all reasonable steps to ensure no discrimination whether deliberate or unintended occurs from:

- National origin
- Cultural and Social Backgrounds
- Ethnic Origin
- Tenure
- Issues related to literacy and numeracy
- Employment status
- Domestic circumstances.

6. Performance Monitoring

WSHA will identify indicators to measure performance against the objectives and actions outlined in the Equalities & Human Rights Strategy and Action Plan.

Further information will be reported to the Scottish Housing Regulator as part of the Equalities Outcomes in the Annual Return on the Scottish Social Housing Charter.

Performance outcomes and KPIs will be available on our website, social media and Westworld.

The progress we make with the Action Plan will be reported to the Board annually.

7. Consultation

This policy has been consulted on with staff, Tenants Advisory Group, tenant scrutiny Panel and feedback received from individual tenants, stakeholders and partners.

8. Review

Until a new policy is formally adopted this document will remain in force and operational. This policy will be reviewed in accordance with the policy review programme agreed by CMT. If there are significant changes to legislation or

regulation or there are found to be deficiencies or failures in this policy, as a result of complaints or findings from any independent organisations, the Director of Housing & Community Services will initiate an immediate review. Where appropriate, key stakeholders such as tenants and interested parties will be consulted as part of any review of this policy.

Appendix One

Commonly used terms and definitions

Equality	Making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but about recognising that their needs are met in different ways.
Diversity	Refers to the range of individual differences demonstrated amongst the population. By embracing diversity, we attach value to individuality, including background, culture, skills, attitudes and experience as well as personal characteristics.
The Equality Act 2010	The law that protects the rights of individual and advances equality of opportunity for all.
Protected Characteristics	The ground upon which discrimination is unlawful: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy & Maternity, Race, Religion or Belief, Sex and Sexual Orientation.
Direct Discrimination	Treating someone less favourably than others because of a protected characteristic.
Indirect discrimination	Applying an apparently neutral policy, practice, procedure, provision or criteria that unjustly disadvantage people that share a particular protected characteristic.
Discrimination by Association	Treating someone unfavourably on the basis of another persons' protected characteristics
Discrimination by Perception	Discrimination against a person because they are wrongly thought to have a protected characteristic or are treated as if they do.
Harassment	Conduct that violates a person's dignity or creates a hostile, degrading, humiliating, offensive or intimidating environment. The intention of the perpetrator is irrelevant; it is the impact of 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 the rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.
Positive Action	Lawful actions that can be taken to address representation imbalances or overcome disadvantages that people who share a protected characteristic have experienced.

Reasonable Adjustments	Arrangements made to assist an individual in overcoming difficulties or disadvantages experienced, in relation to employment or accessing goods and services, because of a disability.
Modern Slavery	Modern slavery is the severe exploitation of other people for personal or commercial gain.

Appendix Two (advisory note)
Procedure for dealing with complaints of discrimination.

Employees

The Association's grievance and disciplinary procedures will, as appropriate, be followed to investigate and take action with regards to all complaints of alleged discrimination by staff.

Where the alleged discrimination constitutes gross misconduct, this may result in disciplinary action up to and including summary dismissal.

Stakeholders

The Association's Complaints Handling Procedure will, as appropriate, be followed to investigate and take action with regards to all complaints of alleged discrimination by staff.

Governing Body Members

The Association's Code of Conduct and Breach of Code Protocol for Board Members will, as appropriate, be followed to investigate and take action with regards to all complaints of alleged discrimination by Board Members.

Appendix Three

Equality Impact Assessment (EqIA)

Context

Because equality and diversity issues are integral to how WSHA approaches service delivery and employer responsibilities it is important that it 'tests' its policies and procedures for compliance with our EDI objectives through impact assessments. Our approach will be to carry out the impact assessments as policies are being reviewed. The EqIAs allow us to take proactive steps to identify and remove potential discrimination or, in some cases, the relevant action will be to adapt a policy or practice to better advance equality. It is important to recognise that providing the same service in the same way to everyone can sometimes create a disadvantage.

The Equality and Human Rights Commission in Scotland states that a policy or practice which proactively considers equality, particularly using relevant evidence and consultation or involvement, is likely to be a better quality policy in terms of it being more responsive to the needs of those affected. It further recognises that EqIA helps mainstream equality consideration into policy and decision-making.

Policies Subject to Equality Impact Assessment

The Association will apply a screening process to determine which policies should be subject to impact assessment. This is not an exact science and some judgement therefore needs to be used, but the approach is to ask the undernoted questions to screen every policy. Where the answer to any one question is 'yes', then an impact assessment will normally be carried out.

1. Does the policy affect service users, employees or the wider community, and therefore potentially have a significant effect in terms of equality? The relevance of a policy will depend not only on the number of those affected, but also the significance of the effect on them.
2. Is it a major policy, significantly affecting how functions are delivered in terms of equality?
3. Does it relate to policy areas or issues that previous consultation or involvement activities have identified as being important to particular protected groups?
4. Does it relate to an area where the Association has identified a need to improve equality outcomes?
5. Does it relate to an area where there are known inequalities?
6. Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?

It is expected that EqIAs will be applied to all of our service delivery policies as a minimum.

Format of the Impact Assessment All policies subject to an impact assessment will have an individual assessment (see **Appendix 4**).

Aims of the Policy

The following questions will be asked, and the response noted in a table:

- What is the purpose of the policy?
- Target audience(s) – who is affected by the policy or who is intended to benefit from the policy, and how?
- Who is responsible for delivering the policy?
- How does the policy fit into our wider or related policy objectives?
- Is there a financial cost to the Association to implement either the EqIA or the policy?

Target Audience(s) (Protected Characteristic Groups etc.)

What does the information we have tell us about how this policy might impact positively or negatively on the different groups within the target audience? The outcomes in the policy are to be available to all tenants and other customers regardless of factors such as (but not limited to) their age, disability, gender, marital status, sexual orientation, race, religion, or belief, marriage or civil partnership, or pregnancy/maternity. Each target audience should be identified¹ and the following should be addressed:

1 The target audiences will often, but not necessarily, be all of the protected characteristics group.

- Comment on what the information we have tells us about how the policy in question might impact positively or negatively on the different groups within the target audience(s).
- Identify whether the policy provides an opportunity to promote equality and diversity or good relations by altering the policy or working with others.
- State whether a further impact assessment is required to be carried out and state the timeframe for this.
- Highlight any follow up action not already programmed and state the timeframe for this.

Follow-up Action

Where there is a need for follow-up action, the tasks and timeframe for achieving them need to be noted in this section. Tasks therefore need to be incorporated into the Equality and Diversity Action Plan to ensure that they are addressed.

Appendix Four

EqIA Template



WSHA			
Equality and Human Rights Impact Assessment Tool			
Policy/Strategy /Decision to be assessed	<i>In this section you should detail the policy, strategy or decision that requires to be assessed</i>	Is this a new or revision of existing policy/strategy/ decision?	<i>This section should detail if this a new policy/strategy/decision or if it is a review of existing policy/strategy/decision</i>
Person(s) responsible for the assessment	<i>This section should detail the name and post of the person completing the assessment</i>		
1. Briefly describe the aims, objectives and purpose of the policy/strategy/decision	<i>In this section you outline the reason/purpose of the policy/strategy/decision and what the aims and objectives are.</i>		
2. Who is intended to benefit from the policy/strategy or who does the policy apply to?	<i>In this section you should detail who the policy/strategy/decision applies to or who will benefit from the policy/strategy/decision e.g. applicants, tenants, staff, contractors. It can be more than one group of people that this applies to.</i>		
3. What outcomes are wanted from this policy/strategy or what does the policy cover?	<i>In this section you should outline what outcomes you want to achieve from the policy/strategy/decision. An example of this could be measurable changes or the benefits to customers of the proposal.</i>		

Equalities Impact								
<p><i>In this section below you should consider which of the protected characteristics could be affected by the policy/strategy/decision. The best way of doing this is to consider each protected characteristic and assess impact considering the aims and objectives (Q1), who does it apply to (Q2) and what the outcomes are (Q3).</i></p>								
<p>4. Which protected characteristics as defined by the Equality Act 2010 could be affected by the policy/strategy? (indicate if applicable Y/N))</p>								
Race	Sex	Sexual Orientation	Trans sexual	Disability	Religion and belief	Age	Pregnancy & Maternity	Marriage and Civil Partnership
<p>5. If the policy/strategy is not relevant to any of the protected characteristics listed in part 4 or if the impact of the initiative – whether positive or negative- is not significant, state why and end the process here.</p> <p><i>If it is not relevant of any of the above characteristics or there is no significant impact please explain in this section why there is no impact or it is not relevant and end the process here.</i></p> <p><i>If you answer Yes to any of the above in respect of protected characteristics being affected, you should move on to Section 6 of the assessment.</i></p>								
<p>6. Describe the likely positive or negative impact(s) that that the policy/strategy could have on the groups</p>			<p>Positive impact(s)</p>			<p>Negative impact(s)</p>		
			<p><i>In this section you should outline the positive impact(s) that the policy/strategy/decision could have on the protected groups as identified in section 4.</i></p>			<p><i>In this section you should outline the negative impact(s) that the policy/strategy decision could have the protected groups as identified in section 4.</i></p>		

7. What evidence do you have for the impact?	Evidence for positive impact(s) <i>In this section, please detail what evidence you have for this positive impact. You detail any research that has been carried out or data to support this analysis of likely impact.</i>	Evidence for negative impact(s) <i>In this section please detail what evidence you have for this negative impact. You detail any research that has been carried out or data to support this analysis of likely impact.</i>
8. Has there been consultation/is consultation planned with those who will be affected?	<i>In this section you should detail any consultation that has taken place with those groups who will be affected. If you have not yet undertaken any consultation please outline what is planned for consultation; this could be a short survey, focus group or individual discussions. You should also include human rights considerations when consulting with individuals in line with the Human Rights assessment.</i>	
9. Action taken to reduce or increase impact as appropriate following consultation	Reduce Impact <i>You should complete this section following consultation that has taken place and detail any actions identified to reduce the negative impact on the groups identified in section 4. Please detail how these actions will be implemented e.g. change to policy/strategy/decision</i>	Increase Impact <i>You should complete this section following consultation that has taken place and detail any actions identified to increase the positive impact on the groups identified in section 4. Please detail how these actions will be implemented e.g. change to policy/strategy/decision</i>
10. What actions are required to address the impacts arising from this assessment	<i>In this section you should detail what actions are required to address the impacts arising from this assessment. This might include collecting additional data, putting monitoring in place, taking specific action to mitigate any potentially negative impact. As in the above section please detail how these actions will be implemented.</i>	
Human Rights Assessment		
1. Does the	<i>If the answer to this is yes do this question should move directly to question 2.</i>	

<p>policy/strategy/decision engage a human right protected by the Human Rights Act?</p>	<p><i>If no, the decision or policy is likely to comply with the Human Rights Act. However, you should keep the decision or the operation of the policy under review to check it has the effect you had expected.</i></p>
<p>2. Please consider the questions at the link here to assess the impact of the policy/strategy/decision on human rights protected by the Human Rights Act.</p>	<p><i>In order to answer these questions, you could consult people about the likely effect of the decision or policy, and look at data which gives you information about the likely effect of your decision and policy.</i></p> <p><i>In this section you should detail any articles that there may be a concern that the policy/strategy/decision may impact compliance with HRA.</i></p>
<p>3. Please detail any actions that are being taken following this assessment?</p>	<p><i>In this section you should detail any actions that are being undertaken following this assessment to ensure that the policy/strategy/decision complies with HRA. This section should detail how these actions will be implemented.</i></p>

<p>Name:</p>	
<p>Job Title</p>	
<p>Date Assessment was completed</p>	