



Cloch Housing Association

Equalities & Diversity Policy

Policy Name	Equalities & Diversity Policy
Policy Category	GOV
Policy Number	057
Date Adopted	01/12/2007
Last Review	
This Review	15/03/22
Next Review	01/03/2025
Equalities Impact Assessment Required	Yes
Link to other policies	Equalities Strategy, Code of Conduct for Staff, Code of Conduct for Governing Body Members, Communications Strategy (currently under development)
Consultation	Yes
Need for Procedure	No

SECTION A: INTRODUCTION

Cloch Housing Association believes in equality of opportunity, embracing diversity, and promoting inclusiveness. Staff and Board believe that embedding equality in everything we provide is the right thing to do. We do not do it just because we are required to do it by law and by our regulator, we do it because we believe in fairness and access for all to our services, recruitment, and community work.

This Policy is here to ensure the inclusion of equality and diversity practices in all Cloch does and ensure that customers, employees, Board Members, contractors, and the general public are treated with fairness and respect.

Cloch believes in including the Human Rights Act into everything it does and ensuring that we can follow through on our commitments.

Cloch's values are Be Kind, Be Responsible, Be Better, Be Positive.

Cloch has an Equality, Diversity and Inclusion Strategy that is linked to our Business Plan 2021 to 2026.

1. The Policy aims to:

- Give clear guidance and responsibility to staff, Board, and Contractors, including a commitment to training and development knowledge of equality, diversity, and inclusion.
- Set our commitment to Equality Impact Assessments and data gathering.
- Use our Complaints Policy, and work with protected characteristic groups to remove harassment and bullying both in the workplace and in our communities.
- Set out what and how we will publish our statistics on protected characteristics and complaints related to equality issues.

2. Legal, Regulatory and Good Practice Framework

This Policy takes account of, regulatory and best practice requirements for social housing providers, as well as the relevant legislation:

The following applies:

- a. Equality Act 2010;
- b. Human Rights Act 1998;
- c. The Housing (Scotland) Act 2010;
- d. Scottish Social Housing Charter Outcome 1; Scottish Housing Regulator Regulatory Framework 2019 states that RSLs:
“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. 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.”
- e. SPSO Model Complaints Handling Procedure;
- f. Cloch’s Equalities Strategy.

3. Understanding the Equalities Act 2010

The Equalities Act 2010 contains nine protected characteristics against whom any discrimination is unlawful.

3.1 The nine Protected Characteristics are:

- Age
- Disability
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Gender (referred to as “sex” in the Act)
- Gender Reassignment
- Sexual Orientation

3.2 The 2010 Act contains seven types of discrimination.

a) Direct Discrimination

This is less favourable treatment of an individual or group and this treatment is because of a protected characteristic. An example of this would be to refuse to employ somebody because they had an impairment, which had no relevance to their ability to carry out the job they had applied for.

b) Associated Discrimination

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a non-disabled person is discriminated against because they need to take care of a disabled dependent.

c) Discrimination by Perception

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to. For example, a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the correct visa to work in the UK as they have a foreign looking name on their application form.

d) Indirect Discrimination

This is when an apparently neutral requirement or condition impacts adversely or has a disproportionate effect on a particular equality group. An example of this could be holding meetings at times that are inconvenient for people with child care responsibilities and not providing crèche facilities.

e) Harassment

This occurs when a person engages in unwanted conduct which is related to a protected characteristic, and which has the purpose or the effect of (i) violating the dignity of another person or (ii) creating for that person an intimidating, hostile, degrading, humiliating or offensive environment. An example might be displaying a topless calendar on a wall where this makes the workplace an offensive place to work for any employee.

f) Harassment by a Third Party

As an employer, the Association is potentially liable for the harassment of their staff or customers by people they do not themselves employ, for example a contractor or consultant.

g) Victimisation

This occurs when someone faces discrimination because she or he has made an allegation of unlawful discrimination or because of assisting or supporting a complainant. An example might be refusing to consider someone for a promotion because they gave evidence on behalf of a colleague who made a complaint of unlawful race discrimination.

3.3 Positive Action

The Equalities Act 2010 outlines two types of positive action, which, in certain circumstances, are permissible:

- General
- Recruitment and Promotion

If we believe that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, then action may be taken to help overcome the disadvantage or address the needs. The Act points out that any action should be proportionate.

3.4 Equality Impact Assessments

Under the Equalities Act 2010, Public Bodies are required to carry out Equality Impact Assessments (EIA's). The Scottish Housing Regulator has stated that it would expect Registered Social Landlords (RSL's) to carry out EIA's and Cloch has now set up a Equality Impact Assessment procedure for Human Rights and customer service policies.

Appendix 1 contains our Equality Impact Assessment form.

3.5 Human Rights

We are committed to ensuring that Human Rights are enshrined in our EDI work and are currently awaiting guidance from the regulator on the best way to implement this in practice.

3.6 Statement on Modern Slavery

Cloch abhors any form of slavery. It is illegal and debases human life. We are a Living Wage employer. We will set an action to look at how the negation of Modern Slavery is dealt with through our procurement and supplier chains.

SECTION B: WHAT WE WILL DO

- 4.1 Cloch has set out an action plan attached to the Equalities Strategy and set out in Appendix 2 below, that then links directly to the following Business Plan Objectives:

Strategic Objective 2: To offer tenants the best opportunity to succeed

Strategic Objective 3: To involve our customers and the wider community

- 4.2 We will train and raise awareness with our staff and Board on Equalities issues.
- 4.3 We will set out a three-year plan of engagement with community groups linked to the nine protected characteristics, linking this to item 4.2.
- 4.4 During 2022/23, we will use the Equality Impact Assessment on our frontline and HR Policies.
- 4.5 At the point of reviewing policies, we will ensure an up-to-date Equalities and Diversity statement is written into the policy.
- 4.6 We will ensure our Communications Strategy is Equality Impact Assessed.
- 4.7 We will use plain language in all our communications.
- 4.8 Cloch is to collect data from all our customers on the nine protected characteristics and then keep that data up to date on an ongoing basis. This is in line with the Scottish Housing Regulatory Standards.

SECTION C: STAFF OR BOARD BREACHES OF POLICY

- 5.1 Staff and Board sign a Code of Conduct each year that includes awareness of the Equalities & Diversity Policy. Breach of this Code of Conduct can lead to disciplinary proceedings and in the worse cases, dismissal.
- 5.2 Anyone customer, contractor, or member of the public who wishes to complain about discrimination, victimisation, or harassment by a member of staff or Board Member should contact the office by letter, phone, coming into the office, the website, or through the customer web portal. The complaint will be dealt with through our Complaints Handling Procedure.

- 5.3 Any member of staff or Board Member who experiences discrimination, victimisation, or harassment should speak to their Line Manager or another member of the Leadership Team in the first instance. For complaints against staff, this will be treated as a disciplinary matter and will follow the procedures in the terms and conditions of employment. For a complaint against a Board Member, this will be treated under the Breach Procedure in the Board Code of Conduct. A tenant found to be causing any of these things, could lead to a breach of tenancy.

6. Contractor Breach of Policy

- 6.1 If a complaint about discrimination, victimisation, or harassment is made against a contractor, it will be dealt with through our Complaints Handling Procedure and appropriate action will be taken which could mean the dismissal of a contractor's employee or the termination of the Contract.

7. Reporting on the outcomes of Equalities and Diversity

- 7.1 We will publish statistics on the 9 protected characteristics in our Annual Review.
- 7.2 As part of the Assurance Statement to the regulator, we will include reference to our approach to equalities and human rights.
- 7.3 Cloch collects equalities information when it recruits and this will be reported to the Finance & Corporate Services Sub-Committee as and when required.

8. Policy Review

This policy will be reviewed every three years.

Appendix 1: Template Equalities Impact Assessment



Equality & Diversity Impact Assessment (EIA)

The EIA aims to consider the equality implications of a policy, practice, or service to consider if there are ways to proactively advance equality and, to prevent discrimination against people who are categorised as being disadvantaged or vulnerable within our communities. It helps us understand the diversity of those we support to help design and deliver more appropriate and targeted services. It also helps us support more inclusive and cohesive communities.

This assessment records the likely impact of any changes by anticipating the consequences and making sure that any negative impacts are eliminated, or minimised and positive impacts are maximised.

[Before completing this form, please refer to the supporting EIA toolkit].

[Where further guidance is needed, please contact [INSERT].]

Name of the policy/practice/service to be assessed		Is this a new policy/practice/service or a revision to an existing?	New/Revision
Person(s) responsible for the assessment	Name/position and email address	Assessment date	
A: INITIAL SCREENING			
1. Briefly describe the aims, objectives and purpose of the policy/practice/service			
2. Who is intended to benefit from the policy/practice/service? (e.g. applicants, tenants, staff, contractors)			
3. What outcomes are wanted from this policy/practice/service? (e.g. the benefits)			
4. Which protected characteristics could be affected by the policy/proposal/report? (✓) tick all that apply			
Age <input type="checkbox"/>	Disability <input type="checkbox"/>		
Gender Reassignment <input type="checkbox"/>	Marriage/Civil Partnership <input type="checkbox"/>		
Pregnancy/Maternity <input type="checkbox"/>	Race <input type="checkbox"/>		
Religion or Belief <input type="checkbox"/>	Sex <input type="checkbox"/>		
Sexual Orientation <input type="checkbox"/>			
5. If the policy/practice/service is not relevant to any of the protected characteristics listed in section 4, state why and end the process.			

B. FULL SCREENING

6. Is there any existing data and/or research relating to equalities in this policy area? Please summarise e.g. consultations, national surveys, performance data, complaints, service user feedback, external reports, benchmarking

7. Describe the likely positive impacts the policy/practice/service could have on the groups identified in part 4

8. Describe the likely negative impacts the policy/proposal/report could have on the groups identified in part 4 and how these can be removed or minimised

Issue Identified	Planned Action (or issue removed)	Lead and Timeframe

9. Next steps

Decision: No change/Amend (see above)/Cease/Progress with risk (monitor and add to risk register if a risk register in place)

Published and if so, where

Review date:

Signed: _____

Date: _____

Job title: _____

Appendix 2: EDI Strategy Action Plan 2022 (updated 14/11/22)

Action	Expected completion date	Action completion date	Person(s) responsible	Comment
Approval of Equalities Strategy	7/12/2021	07/12/2021	Director, HofCS	Completed
Develop action plan and append to Strategy	21/1/2022	15/03/2022	Director, Head of CS	Appendix 2 in EDI Policy. Approved with the Policy
Review EDI Policy and go out to consultation	1/3/2022	Done	Head of CS	We will put it out to staff and through social media to our customers.
Approval of Equality, Diversity & Inclusion policy	15/3/2022	15/3/2022	Director, Head of CS	Done
Creation of a Equality Impact Assessment Form	7/1/2022	14/1/2022	HofCS	We got a model form through the work done with Stephanie Harper and ICHR. This will be appended to the EDI Policy - Done
Complete EIA's by end of 2022			HofCS/LT	Ongoing.
Complete Modern Slavery Statement	By end of 2022		HofCS/HofPS	Working with Change HR on this
Training: General	October 2022	Final session	Head of CS	Due to be part of the Induction

Concepts and Protected Characteristics		held 10 th November 2022		and repeated as required and at least every 3 years.
Develop a consistent message for all publications.				Part of Communication Strategy which is ongoing
Develop a 3 year engagement plan with community groups associated with protected characteristics	November 2022			To be put to F&CS 29/11/2022
Endeavour to use plain English in all our publications			All the LT.	We will build this in to the Communications Strategy
Collect data on all 9 protected characteristics	1/4/22	Completed in July 2022	Director, Head of CS	
Review tenant portal to include translation tool				Suggestion from staff training
Monitor the use of prefixes and whether they need to be used				Suggestion from staff training
Script for responding to enquiries				Suggestion from staff training
Feedback to tenants on equality				Suggestion from staff

