



# EQUAL OPPORTUNITIES

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## **1.0 INTRODUCTION**

- 1.1** Calvay Housing Association (CHA) are committed to promoting an environment of respect, understanding, embracing diversity and eliminating discrimination by providing equality of opportunity for all both as an employer of staff and as a landlord / provider of services.

As an employer Calvay Housing Association (CHA) will strive to deliver a consistent a positive and proactive approach in promoting equality and diversity across all areas through the entire employment relationship from the recruitment process to termination and references. Whilst as a landlord / provider of services CHA will seek to provide equality of access to its housing and housing services.

- 1.2** All employees and committee members are required to abide by this policy, as is anyone who provides services for CHA (i.e. contractors) or works with the association as a volunteer. This policy covers discrimination by and towards members of the public, governing body members, Association staff, contractors and staff from other agencies, and everyone has a responsibility to be alert to discriminatory behaviours and practices should they occur.

Breaches of the equality and diversity policy may be regarded as misconduct and may lead to disciplinary action, in accordance with CHA's terms and conditions, which may include dismissal.

- 1.3** CHA believes lack of equal opportunities is not only a serious moral issue, but also has a significant impact on business performance. CHA will aim to ensure all employees, committee members, tenants, anyone using services or providing services on our behalf are treated with fairness and respect and not be discriminated on the grounds of marriage and civil partnership, sex, race, disability, age, religion or belief, gender reassignment, pregnancy and maternity and sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance.

- 1.4** In line with its commitment to promoting equality for all, CHA are committed to providing equal access to our services and documentation. We will do this in various ways including the provision of information in different languages and in alternative formats including Braille, audio formats and the provision of British Sign Language interpreters, etc., as required (for which CHA will bear any reasonable costs).

## 2.0 BACKGROUND & LEGAL FRAMEWORK

UK Governments have been addressing equality and diversity issues for many years. Although progress has been made, inequalities still exist in Scotland and within the UK. This has led to both the Westminster and Holyrood governments continuing to develop legislation designed to tackle discrimination, promote equality, and address inequalities.

This has included the development of the Equality Act 2010 by the UK Government, and the Housing (Scotland) Act 2010 by the Scottish Government, and this policy takes account of both.

**2.1** The objective of this policy is to ensure CHA not only actively promotes equality of opportunity as an employer and provider of services, but is compliant with various legislative and regulatory requirements including:

- The Housing (Scotland) Act 2010
- The Scottish Social Housing Charter
- The Scottish Housing Regulatory Framework
- The Equality Act 2010
- Human Rights Act 1998
- The Scottish Housing Regulator's: "Collecting Equality information: National Guidance for Scottish Social Landlords" (revised April 2022). This will be referred to as 'SHR data collection guidance' through the rest of this policy

This policy will address each of these.

### **2.2** The Housing (Scotland) Act 2010 & Scottish Social Housing Charter

Although equalities is a matter reserved to the UK parliament, the Scottish Parliament has powers under the Scotland Act 1998 to "encourage and promote" equal opportunities". Accordingly, the Housing (Scotland) Act 2010 states:

"Social Landlords, when performing housing services, must act in a manner which encourages equal opportunities and in particular the observance of the law for the time being relating to equal opportunities."

This means CHA is legally obliged to comply with the Equality Act 2010, and any other equality legislation passed by Westminster (UK wide legislation) or Holyrood (Scottish Legislation).

The Housing (Scotland) Act (2010) also established the Scottish Social Housing Charter, which set out the Scottish Government's and Scottish Housing Regulator's (SHR) expectations for Scotland's Registered Social Landlords (RSLs).

The Scottish Social Housing Charter's Equalities Outcome sets out the Scottish Government's expectation 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."

### **2.3 The Scottish Housing Regulatory Framework**

In February 2019, the Scottish Housing Regulator (SHR) published their new regulatory framework through the publication of the "Regulation of Social Housing in Scotland". This new framework took effect from 1st April 2019 and sets out "how we (SHR) regulate both Registered Social Landlords (RSLs) and the housing and homelessness services provided by local authorities"

Section 3 of the framework outlined their regulatory expectations of every RSL with respect to equality and human rights, as follows:

"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."

As part of the 'new' framework the SHR also reviewed and amended their Standards of Governance and Financial Management. CHA should take account of Standard 5 which highlights the need for RSLs to "conduct their affairs with honesty and integrity" in all areas. CHA will pay particular attention to Standard 5.3 which requires RSLs to pay "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."

### **2.4 The Equality Act 2010**

This is the key legislation UK legislation whose introduction saw previous discrimination legislation (Sex Discrimination Act 1975. Race Relations Act 1976. Disability Discrimination Act 1995, etc.) abolished and replaced with one Act.

The Act, which applies to both CHA's work as both an employer and a landlord / provider of services, centres on two key elements, which are:

- The identification of nine "protected characteristics" who require additional protection
- The identification of "unlawful behaviour" not allowed under the act

## Protected Characteristics

There are nine protected characteristics, these are the only grounds on which discrimination is prohibited by law. An employee or CHA customer can make a discrimination claim on any of the characteristics against the different types of unlawful behaviour.

1. Age
2. Disability
3. Gender Reassignment
4. Marriage & Civil Partnership
5. Pregnancy & Maternity
6. Race
7. Religion or Belief
8. Sex
9. Sexual Orientation

## Unlawful behaviour

- **Direct Discrimination:**  
Is treating someone less favourably than others based on them being considered as having a protected characteristic. An example of this would be refusing to give housing advice to someone because of their sexual orientation or not hiring someone because of their religion
- **Indirect Discrimination:**  
Occurs where a policy, criterion or practice applies to everybody, but by has a disproportionate impact on people with a protected characteristic. An example of this would be not appointing someone to a job role, despite being the best candidate, due to having a disabled partner or holding consultation events in locations which are inaccessible to disabled people
- **Associated Discrimination**  
Discriminating against a person because they have an association with someone with a particular protected characteristic. An example of this would be where a non-disabled person is discriminated against because they care for a disabled dependent.
- **Perceptive Discrimination**  
Discrimination against a person because the discriminator thinks the person possesses a protected characteristic. An example of this would be not shortlisting a person for interview as 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 or two people of the same sex suffering homophobic abuse because they share a house even though they are straight.

- **Victimisation**  
Treating someone less favourably, and discriminating against them, because they have complained about discrimination on their own behalf or on behalf of someone else and have been treated badly as a result. An example of this would be a member of staff making an allegation of discrimination about a fellow member of staff and all of the staff no longer talking to them or someone being given all of the worst shifts due to making a complaint against a manager
- **Harassment**  
Unwanted behaviour related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. An example of this would be if a tenant with learning difficulties is called offensive names by a neighbour

The Equality Act challenges organisations to be as diverse as possible, and to have the principle of equality at their heart. CHA is fully committed to meeting these challenges and to that end has defined Diversity and Equality as follows:

- **Diversity**  
Is about valuing individual differences. CHA is committed to valuing and managing people's differences to enable all employees, committee members, tenants, etc. to contribute and realise their full potential. CHA recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit CHA and its customers.
- **Equality**  
Is making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but recognises that their needs are met in different ways. Equality focuses on those areas covered by the law, and described as the Protected Characteristics.

#### **Other important terms**

- **Positive Action**  
The Equality Act (2010) allows organisations to address imbalances in the workforce or in service provision. An example of this would be encouraging members of underrepresented groups to apply for jobs or to access services
- **Failure to make Reasonable Adjustments**  
Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome this.

Under the Equality Act (2010) CHA are expected to make reasonable adjustments to help staff with disabilities gain employment or to stay in their role, and help customers access CHA's stock and services

## 2.5 The Human Rights Act (1998)

The Act's development followed the World War 2 when to avoid the atrocities seen during the war, nations agreed all people should enjoy basic rights (i.e. the right to life, the right to be free from torture, etc.) This led to a series of agreements called international 'treaties' or 'conventions' being established to outline the basic levels of treatment all individuals deserve because they are human, and the UK are currently signed up to the European Convention on Human Rights (ECHR).

The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law and came into force in the UK in October 2000. The act contains 16 articles which cover a range of rights with a basic aim is to ensure everyone should be treated fairly, with dignity and respect. Both the UK government and the Scottish Government are committed to the Human Rights act and its key principles.

In 2012, the Equality and Human Rights commission produced "Human Rights at Home" guidance for social housing. CHA recommends its staff refer to this guidance if they have any questions regarding the act.

The guidance can be accessed by clicking on the link below:

### *Human Rights at Home Guidance*

This guidance recommends staff pay particular attention to articles 6, 8 and 14 when providing services, developing policies and procedures, etc.

Each of these three articles will be addressed in turn:

#### **Article 6: Right to a fair trial**

Everyone has the right to a fair hearing (trial).

This means people should be given the opportunity to participate effectively in any hearing of their case, and present their case in conditions which do not place them at a substantial disadvantage to any other party in the case (e.g. a person who is subject to a decision-making process in relation to a possible eviction should have access to an interpreter, if necessary). Staff should ensure that any important decisions (i.e. allocations, evictions, etc.) should be given with reasons for the decision.

#### **Article 8: Right to respect for private life, family life and the home**

Everyone has the right to respect for their private and family life, their home and correspondence.

It is important to emphasise the right to respect for a person's home is not a right to be given any extra priority to be housed by an association, but is

a person's right to access, and live in their home without intrusion or interference.

For associations this has various implications including:

- Personal information about customers should be kept private and confidential.
- The right to respect for family life includes the right for a family to live together
- Associations taking positive steps to prevent others seriously undermining a person's home or private life (e.g. through anti-social behaviour)

### **Article 14: Prohibition of discrimination**

This means everyone must have equal access to an association's housing and services, regardless of their race, religion, gender, sexual orientation, disability, or any other personal characteristic. For example, a gay couple must be treated in the same way as a heterosexual couple in relation to the right to succeed to a tenancy.

A difference in treatment can only be justified if there is a good reason for the treatment and if it is proportionate in the light of that reason (e.g. an association providing sheltered housing to people over a certain age in accordance with its rules and procedures).

## **2.6 Data Collection and monitoring**

### **Data collection**

CHA is committed to promoting equality and human rights in all aspects of its business and ensuring discrimination is avoided as both an employer and a landlord / provider of services. CHA considers the collection of equality data as outlined in the 'SHR data collection guidance' "... is integral to a social landlord's equality strategy" and is committed to ensuring it uses "Equality data to deliver quality services to tenants and other customers".

This led to CHA developing an equality monitoring form based on the model equalities monitoring form contained within 'SHR data collection guidance' and deciding equality data should be collected anonymously from all five groups outlined in the guidance (housing applicants, tenants, job applicants, staff and committee members) as opposed to linking information to individuals.

The decision to collect information anonymously was a carefully considered one based on clear evidence, which can be made available on request. This included the committee's opinion that anonymous collection would lead to a higher return rate, the high amount of staff time and resources

which would be involved in collecting and using linked information, the data protection implications of collecting linked information, etc.

CHA's approach to data collection is outlined in full within their action plan which is attached to this policy and embedded in the association's business plan.

CHA will treat all personal data in line with its obligations under current data protection regulations and its Data Protection Policy. Information regarding how data will be used and the basis for processing data is provided in CHA's privacy notice (available on our website).

### Data monitoring

In accordance with the Scottish Social Housing Charter and the 'SHR data collection guidance' the committee will monitor the implementation of this policy regularly through analysis of statistical reports regarding the nine protected characteristics identified in the Equality Act (2010), in relation to:

- Applicants for housing or employment
- Allocations and appointments made
- Employee, tenant and board profiles

In addition, the committee will receive periodic monitoring reports, which identify any emerging trends in:

- Access to housing - who has applied, who has been allocated a house, and by what process (e.g. direct applicant, nomination or referral)
- Housing allocations - where applicants were housed, and types of housing allocated (especially if any Equalities need was addressed)
- Access to employment - who has applied, and been appointed, to vacancies within CHA

Where reports reveal particular issues (e.g. under representation) appropriate action will be agreed by the committee / senior staff.

**Please note:** The various legislative and regulatory obligations outlined in this policy are not exhaustive and CHA will take account of any new UK or Scottish regulations or legislation and revise its Equality action plan and / or policy accordingly.

## **4.0 POLICY PRINCIPLES – as an employer**

As an employer CHA aims to:

- 4.1** Ensure integration of equality practices into all CHA does, and ensure employees are treated with fairness and respect from each other and from members of the public, committee members and contractors.
- 4.2** Implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds. CHA will strive to ensure all recruitment decisions will be based completely on the merits and abilities of candidates and no other criteria will be used. In order to achieve this, equality and diversity practices will be integrated into every stage of the recruitment and selection process.
- 4.3** Ensure CHA's recruitment process will remove barriers to the employment of people of different backgrounds. This will enable CHA to recruit from the widest pool of talent, potentially raising the standard of their intake and therefore increasing the opportunity of a more diverse workforce which reflects the community it is serving. A more diverse workforce will improve the organisation's service delivery, as it will lead to a staff with more knowledge and experience, and aid in meeting the needs and aspirations of service users and potential service users.
- 4.4** CHA will work towards ensuring all staff and / or committee members involved at any stage in the recruitment and selection process receive equality and diversity awareness training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unknowingly by asking any questions which may lead to discrimination.
- 4.5** As part of the employment relationship all contracts of employment will be issued in accordance with the job role and not the job holder. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics. 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.
- 4.6** If required, any redundancy selection will be made according to the statutory requirements, and in line with CHA's ~Terms and Conditions. Criteria will be discussed with the Trade Union and or nominated representatives and will be objective, fair and consistent. This will ensure employees are selected for redundancy according to the chosen selection criteria and not in any direct or indirect discriminatory way.

## **5.0 POLICY PRINCIPLES – As a landlord / provider of services**

CHA's intention is to apply principles in relation to the equality of opportunity and diversity throughout all its operations and recognises that all such areas are interlinked. For the avoidance of doubt, the CHA's policy in relation to service provision will be applied to the following:

- Access to Housing
- Quality of Housing and services
- Consultation on Service Provision

### **5.1 Access to services**

CHA will take positive action to ensure all members of their community are aware of the services it provides and seek to ensure all people benefit equally from its services.

The Association will be open about its work, and ensure all policies and procedures are openly and widely advertised. CHA will strive to avoid being seen as inaccessible to those in housing need and take any necessary action, as reasonably practical, to meet specific needs (e.g. access for disabled people, appropriate opening and closing hours, etc.)

The Association will seek to ensure no communication barriers are put in place or maintained. This will include, where reasonable, providing information in alternative formats (e.g. Braille, community languages, etc.) and seek to ensure materials are published in simple, jargon free language.

### **5.2 Key areas of work**

Two important areas of work for all housing associations are providing maintenance and repair services and the allocation of properties. The policy will outline how equality of opportunity underpins CHA's work in these areas.

#### **Maintenance and Repairs**

CHA will seek to ensure properties are kept in good repair and installations maintained in proper working order. However, where cause for complaint arises, attention will be paid to tenants' complaints concerning disrepair and service provision, including seeking to ensure tenants are able to report their complaints / concerns in their own language.

As maintenance is one of the most important services provided to tenants, CHA will seek to ensure all tenants receive the same quality of service, but is mindful that certain groups (i.e. older people) may be more vulnerable and consequently will be given priority on certain types of repairs.

Publicity material on maintenance and repairs will reflect contractual and legal rights and will be available where possible in suitable alternative formats on request (for which CHA will bear any reasonable costs).

### Allocation of Properties

CHA's allocations policy is clear, comprehensive, non-discriminatory and provides equal access for all. All selection and allocation procedures are designed to deal quickly and fairly with applicants for housing. CHA will ensure proper recording, reporting and monitoring procedures are in place.

In addition, CHA is fully committed to the principles of this policy and strives to ensure its allocations practices and procedures are non-discriminatory and based around each applicant's housing need. Moreover, CHA will ensure its housing list is open to all and encourage applications from all sections of its community throughout the year.

### Publicising of the Allocations Policy

CHA will make its Allocations policy available in other languages and formats (such as in Braille, in larger font or on audio tape) on request:

- At CHA's office
- On CHA's website

## **5.3 Policy Development**

When reviewing or developing policies CHA will strive to avoid discriminating and identify any potential imbalances in treatment, or potential discrimination encountered by disadvantaged groups.

The Equality Act 2010 sets an expectation for public bodies to identify any adverse effects their policies might have on any protected characteristics. Although not a public body CHA will, as good practice, develop an Equality Impact Assessment (EIA) tool to ensure any policies reviewed, or developed, take proactive steps to identify and remove potential discrimination and / or adapt a policy or practice to better advance equality.

The development of EIA's reflects 'SHR data collection guidance' which highlighted that Scottish Housing Regulator promotes the use of EIAs through the regulatory requirement to:

"Have assurance and evidence that CHA 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."

CHA will ensure, as part of its equality action plan, all relevant staff receive training and support in the use of EIAs.

## 6.0 Learning & Development

CHA will strive to allocate training courses and / or further education solely on organisational / individual needs and ensure no one is treated, more or less favourably, on the grounds of age, gender, disability, etc. CHA also recognises that certain employees (e.g. those from minority backgrounds, those with disabilities, etc.) may require specific additional support to access learning and development opportunities.

The identification of staff training needs forms part of the CHA's appraisal and supervision procedures, whilst committee members' needs are identified through their annual assessment process.

### Specific Equality and Diversity Training

CHA will periodically run equal opportunities training for staff and committee members to enable them to understand their obligations, identify discrimination, and take appropriate action to challenge and address discrimination.

CHA will also endeavour to provide different types of equality training to ensure staff and committee members develop a wide range of skills and better understand the needs of its diverse customer base. This training will aim to consider the following:

- legal and regulatory requirements;
- CHA specific policy and procedural training;
- specific training about key equality issues  
(i.e. delivering specific requirements of Equality Act and / or Human Rights Act)

In addition, new employees and committee members will receive induction training, which should include an overview of current legal and regulatory equality obligations and their implications for CHA, and an overview of CHA's Equality policy.

## **7.0 APPOINTMENT OF CONTRACTORS AND CONSULTANTS**

CHA will seek to ensure all contractors and consultants it appoints have an equalities policy, which is acceptable to CHA. Confirmation of such a policy will be required, in writing, for contractors / consultants remain on any "approved" list. Contractors or consultants who fail to comply with good employment practices (e.g. fair wage, good working conditions, etc.) will be removed from any "approved" list.

When working with organisations employing less than ten people, it will be acceptable for the organisation to confirm its willingness to operate in accordance with the CHA's Equality policy, and with any additional requirements CHA specify for a particular contract.

CHA expect contractors, consultants, etc. to treat the association's customers and employees with courtesy and respect at all times. We will not tolerate any form of discrimination or harassment.

## **8.0 COMPLAINTS**

In response, to the Scottish Public Services Ombudsman (SPSO) revising its model complaints handling procedure (in March 2021) CHA updated its complaints handling policy. The SPSO model procedure highlighted the importance of ensuring the complaints process is accessible for all, when it stated that it:

"... should take into account individual requirements, for example disabled people, people with learning difficulties, people who are deaf or hard of hearing (including British Sign Language users), people with a visual impairment and people whose first language is not English. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, access to support or advocacy, and information in a variety of formats and languages, at suitable venues, and at suitable times."

The need to ensure complaints procedures are as accessible as possible was also highlighted in 'SHR data collection guidance'. CHA will therefore ensure its complaints process is accessible and easily available in a variety of places and formats.

In accordance with SPSO expectations CHA will ensure its committee receive quarterly complaints' reports, which separate complaints related to equality issues from general complaints.

CHA's complaints policy sets out in detail how complaints against employees, board member, contractors and any others working with, or on behalf of the organisation will be investigated and dealt with. This includes complaints of discrimination and any other contravention of this policy.

## 9.0 CONSULTATION AND PUBLICITY

CHA recognises the importance of encouraging equal opportunities and diversity and seeks to ensure this informs any consultation processes and procedures where appropriate.

CHA will publicise its commitment to equal opportunities in a variety of ways including:

- Newsletter articles
- An equalities statement summarising their various commitments to equalities including their policy, action plan, etc.
- Displaying a range of relevant equalities information within CHA's office
- On the CHA website and social media

CHA recognises indirect discrimination through the provision of inaccessible information can create inadvertent barriers to CHA's services (e.g. a visually-impaired resident may not be able to read a policy in standard print size or someone whose first language is not English may not be able to communicate effectively with staff).

CHA is therefore committed to ensuring information is available in alternative formats, on request, and these formats may include; large print, use of language or sign interpreters, Braille, etc.

As it would be impractical, and cost prohibitive, to have all possible formats available immediately, CHA will strive to produce information in alternative formats within 10 working days of a reasonable request. All reasonable costs will be borne by CHA and requests for materials in alternative formats will be recorded as part of its equalities' monitoring regime.

## 10.0 SUPPORTING DOCUMENTATION

In addition to this policy has a number of supporting documents including:

- An Equality action plan
- An Equality data collection procedure
- An Equality Impact Assessment procedure

### Equality Action Plan

CHA developed an Equality Action Plan (Appendix 1) following discussions with a group of committee and staff members during November 2022. This action plan identifies a range of objectives to help ensure CHA provides equality of opportunity for all. The delivery of each objective of the action plan will be the responsibility of CHA's staff and will be monitored by the committee, and the plan will be reviewed annually and reported on at least every three months.

## **11.0 POLICY MONITORING**

Responsibility for monitoring the application of this policy will rest with all employees of CHA. The policy will be reviewed periodically with the amendments made as appropriate (e.g. to reflect regulatory or legislative changes) and where necessary this will be communicated to all staff and relevant stakeholders.

## **12.0 POLICY IMPLEMENTATION**

The committee, as the strategic managers of the association, has overall responsibility for the development, monitoring and implementation of this policy, but delegates authority to CHA's Director to ensure the policy's day to day implementation.

As stated earlier, this policy applies to all employees, committee members and others CHA work with, and all these groups have a responsibility to be alert to discriminatory behaviours and practices should they occur. Unacceptable behaviour and practices must not occur, however if a situation arises, it will be dealt with immediately. Breaches of the equality policy may be regarded as misconduct and may lead to disciplinary action.

## **13.0 REVIEW**

This policy will be reviewed at least every 3 years.