



EQUALITIES AND HUMAN RIGHTS POLICY

INTRODUCTION

Ayrshire Housing's mission is:

We aim to enhance the wellbeing of our tenants and the wider communities of Ayrshire through high quality housing and related services.

Ayrshire Housing is therefore committed to promoting fair access to its services and to improving the quality of life for all we engage with. We aim to ensure respect and understanding for those we work for and with. We also strive to ensure diversity and eliminate discrimination by providing equality of opportunity for all. Throughout Ayrshire Housing a consistent approach in promoting equality and human rights across all areas is expected.

Ayrshire Housing will ensure that all are treated with fairness and respect and not being discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It will also ensure that Board members and employees are not disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance.

BACKGROUND

The main legislative context is provided by the Equality Act, 2010 which consolidated pre-existing anti-discrimination legislation. This policy is intended to ensure compliance with the Act by promoting a culture of dignity and respect for all.

The Human Rights Act 1998 incorporated the European Convention on Human Rights into UK and Scots Law. The right to a family life is a key component of the convention. Ayrshire Housing aims to support this by providing good quality housing and services to help households maintain a secure home environment.

The Equality Act makes unfair treatment in the provision of goods, facilities and services, and in employment unlawful. It also aims to achieve equal opportunity in the workplace and in wider society. The Act brought together a range of existing anti-discrimination legislation to offer protection to people who have what are known as "protected characteristics". These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In addition, the Act introduced a public sector equality duty consisting of two parts, a **general equality duty** and a **specific equality duty**. Ayrshire Housing is covered by the general equality duty so far as it relates to services of a public nature, for example services in connection with the provision of statutory tenancies.

Approved: June 2019 (at Board Meeting)

Reviewed: June 2020; new annex.

Current to: June 2024

This general duty requires the association to have due regard to:

- eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act.
- advancing equality of opportunity between people who share a protected characteristic and those that do not.
- fostering good relations between people who share a protected characteristic and those who do not.

Taking a human rights approach will ensure that this duty is addressed in a broad and positive way. It clearly underpins our mission.

DEFINITIONS

Diversity

Is about valuing individual differences. Ayrshire Housing is committed to valuing and managing people's differences to enable all service users, Board members and employees to contribute and realise their full potential. Ayrshire Housing recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit Ayrshire Housing 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 recognising that their needs are met in different ways. Equality focuses on those areas covered by the law and described as Protected Characteristics.

Protected Characteristics

The grounds on which discrimination claims can be made: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Direct Discrimination

Treating someone less favourably than others based on a protected characteristic.

Indirect Discrimination

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

Harassment

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.

Approved: June 2019 (at Board Meeting)

Reviewed: June 2020; new annex.

Current to: June 2024

Victimisation

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

Positive Action

For example, imbalances in the workforce may be addressed by encouraging members of under-represented groups to apply for jobs. Positive action may be applicable in setting equality targets. No quotas will be set by Ayrshire Housing but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in Ayrshire Housing in comparison to the local community where they are under-represented.

Failure to make Reasonable Adjustments

This is where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

Associated Discrimination

Discrimination against a person because they have an association with someone with a particular protected characteristic e.g. a non-disabled person is discriminated against because of the action they need to take to care for a disabled dependent.

Perceptive Discrimination

This is discrimination against a person because the discriminator **thinks** the person possesses that characteristic e.g. a person is not short-listed 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.

Employees

All permanent, temporary fixed term staff, including all managers and the Director.

Board members

The volunteer directors of the association.

Stakeholders

Contractors, consultants, tenants, customers, service users, partners and outside agency workers

POLICY PRINCIPLES

This Equalities and Human Rights Policy aims to:

- Ensure integration of a human rights approach to increase equality through the association's work, and ensure that Board members, employees and stakeholders are treated with fairness and respect from each other and from members of the public.

Approved: June 2019 (at Board Meeting)

Reviewed: June 2020; new annex.

Current to: June 2024

- Require Ayrshire Housing to implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds.
- Provide an environment appropriate to the needs of those from all walks of life, and offer a culture that respects and values each other's differences and promotes dignity, equality and diversity.

IMPLEMENTATION OF THE POLICY

The Director is responsible for the policy's day to day implementation.

The Board will be advised whether or not an equalities impact assessment is required before considering any new or substantially amended policy. The Director will ensure that each proposed policy change is scoped for its potential impact in terms of this policy before being taken to the Board. Where an equality and human rights impact assessment is required, it will be in the form annexed to this policy.

All key policies will make reference to this Equalities and Human Rights Policy and where appropriate include an equalities impact assessment.

Ayrshire Housing will ensure that all new employees and Board members receive induction and ongoing training on this policy. The policy will be widely promoted and integrated into all relevant policies and procedures within Ayrshire Housing.

This policy applies to everyone in Ayrshire Housing and all have a responsibility to be alert to discriminatory behaviours and practices should they occur. Such unacceptable behaviour and practices should not occur. However, if such a situation arises, it will be dealt with immediately through the relevant channels.

The Board will receive an annual report on the implementation of the policy. This will cover:

- Evidence of compliance;
- Examples of good practice;
- Proposed further action including promotion;
- Whether or not the policy should be amended.

THE PROVISION OF HOUSING AND RELATED SERVICES

The association operates an open applications policy based on a points system relating to objective housing needs characteristics.

Information on the personal characteristics of applicants will only be sought to the extent that it is required to fairly assess their applications. Information on protected characteristics required to assess statutory or regulatory compliance will only be dealt with in an anonymised form.

Approved: June 2019 (at Board Meeting)

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The association will endeavour to establish links with local organisations representing equalities groups so as to further equality of access.

The association has a policy on racial harassment for the protection of both tenants and other residents in the neighbourhoods where it has stock.

The association will encourage tenants to participate in its affairs by providing transport to events and assistance with childcare. It will actively encourage tenants interested in becoming Board members.

COMMUNITY MEMBERSHIP

The association seeks to attract new members from across the community. Any refusal to be accepted as a new community member requires a valid explanation to be provided to the Board by the Community Membership Sub-Committee.

The Board will seek through publicity and networking to maximise the breadth of the community membership.

It will provide support for transport and care to encourage participation in the Board by community members.

EMPLOYEE RECRUITMENT AND SELECTION

It is Ayrshire Housing's policy that all recruitment decisions will be based solely on the merits and abilities of candidates. In order to achieve this, equality and human rights practices will be integrated into every stage of the recruitment and selection process. The association will follow the good practice recommended by EVH in all cases.

To highlight Ayrshire Housing's commitment to promoting equality and human rights from the beginning of the employment relationship, all vacancies will be aimed at as wide a group as possible and any advertisement for a vacancy will state that we are an equal opportunities employer. The information contained in the advertisement and all vacancy literature will be clear and accurate to attract the most appropriate candidates from all groups across society, to allow them to decide their own suitability for the vacancy and whether they wish to proceed with applying. For those that wish to apply Ayrshire Housing will ensure that all applicants have clear instructions for completion and application forms will be free from personal questions that are not relevant to the vacancy and that may lead to discrimination.

Ayrshire Housing will ensure all staff involved at any stage in the recruitment and selection process will receive equalities 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.

TERMS AND CONDITIONS OF EMPLOYMENT

Employee's terms and conditions will be standard for all employees regardless of any of the protected characteristics. Employees will not receive less favourable terms and

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conditions for any reason other than relating specifically to the job role and the grade it attracts. The same principle will apply to selection for redundancy.

TRAINING & DEVELOPMENT

Equality and human rights will apply throughout all training activities and resources. Training and development opportunities will be given to all employees according to their job role. It is crucial that all employees are able to participate and enjoy any training opportunities or activities without discrimination or fear of harassment. Every attempt will be made to ensure learning materials foster an ethos of equality of opportunity.

DEALING WITH COMPLAINTS

Complaints by Employees

This procedure is complemented by Ayrshire Housing Dignity at Work policy. For further details, please refer to the policy.

Where an employee feels they have been discriminated against, victimised or harassed by another employee (including managers), the aim should be to deal with it informally in the first instance having due regard to the disciplinary and grievance procedures.

If the complaint warrants an investigation under the disciplinary procedures, this will be done on a consistent and equitable basis.

Complaints made by stakeholders

The right to be treated equally with dignity and respect extends to outside contractors, partners, tenants and other service users, customers and any other agencies that are associated with Ayrshire Housing. Therefore, stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by Ayrshire Housing and appropriate action will be taken.

Where a stakeholder is subject to inappropriate behaviour from an employee of the association, Board member or another stakeholder in connection with the association's business, the stakeholder should raise the issue with their lead contact. The lead contact will then investigate the complaint and deal with it in accordance with the Complaints Handling Procedure or the procedures relevant to the person or body being complained of (depending whether the complaint is against an employee, a Board member, a contractor or a partner, etc.).

If a stakeholder feels that they are being discriminated against by another stakeholder in the course of dealings with Ayrshire Housing, the following procedure should be followed:

Informal Stage:

Where possible, incidents should be dealt with informally. The stakeholder should report the matter to their lead contact within Ayrshire Housing as soon as possible. It may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted.

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The manager will seek to discuss the situation with the individual whom the complaint is against and explain the expected standards of behaviour and the consequences of failing to comply with these. It will be made clear to the individual that continuation of such conduct may result in being refused access to Ayrshire Housing's premises, or services.

Formal Stage:

Where informal action is not appropriate, or the matter is of a serious nature the complaint will be dealt with using the formal procedure. Where the formal procedure is instigated a thorough investigation will take place in the first instance. Where it is found that the individual has acted in an inappropriate manner, they and if applicable their employer will be written to by the relevant senior manager informing them that their comments, actions, or behaviours are not acceptable and potentially discriminatory. The letter will state that further incidents will not be tolerated and that they may result in being refused access to Ayrshire Housing's premises, or contact with its users, employees, and Board members. In serious cases, Ayrshire Housing may end any dealings with an individual or company immediately. In cases of physical violence or serious threats the appropriate manager will notify the police.

Complaints by Board members

Where a Board member feels they have been discriminated against, victimised or harassed, the aim should be to deal with it informally in the first instance.

Informal Stage:

If a Board member feels they are in receipt of inappropriate behaviour from another Board member, an employee or any stakeholder in connection with Ayrshire Housing, they should raise this immediately with the appropriate senior manager. The manager will discuss the issue with whom the complaint is against, explaining the required standards of behaviour and the consequences of failing to comply.

Formal Stage:

Where formal action is the most appropriate, a thorough investigation will take place into the complaint. The complaint will then be dealt with in accordance with the appropriate procedure (depending whether the complaint is against an employee, a Board member, a contractor or a partner, etc.).

Complaints made against a Board member

Where a complaint is made against a Board member, the matter will be investigated in accordance with the Board member's Code of Conduct. If it is found that the inappropriate behaviour occurred, the Board member will be warned and informed of the consequences of failure to comply with the expected standards of behaviour, which may include removal from the Board.

MONITORING AND REVIEW OF THE POLICY

Responsibility for monitoring the application of this policy will rest with the Director.

The policy will be reviewed no less than five-yearly with the amendments being made as appropriate and communicated to all staff and relevant stakeholders.

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Annex

Ayrshire Housing Equality and Human Rights Impact Assessment (EqHRIA)

| | |
|--------------------------------------|--|
| Title of Policy | |
| Relevance to the Business Plan | Explain how the aims of the policy/decision impact on them |
| Name of Lead Person | |
| Date EqHRIA completed | |
| Review date and frequency of reviews | |

Scoping

| | |
|--|--|
| What is the purpose of the proposed policy (or changes to be made to the policy)? | |
| Who is affected by the policy or who is intended to benefit from the proposed policy and how? (stakeholders) | |
| What human rights are engaged? | |
| How will this policy impact on the equal enjoyment of human rights? | |
| In what way is the Equality Duty engaged? | |
| How will this policy affect compliance with equality duties? | |

Evidence

Given the people potentially affected by this policy, have you gathered information on their diverse needs and/or experiences?

| Do you have information on: | Yes | No | N/a | |
|---|-----|----|-----|--|
| Age | Yes | No | N/a | |
| Disability | Yes | No | N/a | |
| Sex (including pregnancy and maternity) | Yes | No | N/a | |
| Lesbian, Gay, Bisexual & Transgender | Yes | No | N/a | |

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|---------------------------|-----|----|-----|--|
| Race | Yes | No | N/a | |
| Religion and Belief | Yes | No | N/a | |
| Staff | Yes | No | N/a | |
| Tenants | Yes | No | N/a | |
| Those on the waiting list | Yes | No | N/a | |
| The local Community | Yes | No | N/a | |

Is this information sufficient for the purposes of the assessment? Yes/No

If no, outline when and how it will be sourced to inform a further review. If the information is not relevant explain why there is unlikely to be an impact from the Policy on this group.

Impact

What does the information you have, tell you about how this policy might impact positively and/or negatively on your stakeholders and specific equalities groups?

Please summarise the results of the EqHRIA.

7. What is your recommended course of action?

| | |
|--|--|
| Outcome 1: Proceed – no potential for unlawful discrimination, and no adverse impact or breach of human rights articles has been identified. | |
| Outcome 2: Proceed with adjustments to: address discrimination, remove barriers to the advancement of equality of opportunity and fostering good relations, address breaches of human rights. | |
| Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out). | |
| Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified. | |

8. Please explain how you will monitor and evaluate this policy to measure progress:

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9. Who will you share this EqHRIA with?

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10. How will you share this EqHRIA?

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AUTHORISATION TO RECOMMEND IMPLEMENT THE POLICY

| | |
|------------------------------|--|
| Authorisation date | |
| Authorisation Manager | |