



OAK TREE HOUSING ASSOCIATION

Equal Opportunity and Diversity Policy

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Section 1: Background

1.1. Organisational strategy and equal opportunities

Oak Tree Housing Association Limited promotes equal opportunity as a strategic organisational value. This is closely linked to our organisational commitment to promote social justice.

Our equal opportunity policy sets out the framework of principles that we incorporate throughout all of our services. This includes employment and housing services. This process is known as mainstreaming of equal opportunity into practice.

Note: Oak Tree Housing Association Limited is referred to usually as “we” in this document; the equal opportunity policy is generally referred to simply as “the policy.”

1.2. Policy structure

The policy contains **ten** sections that are summarised below.

Section 1 has noted how the policy is used to promote organisational objectives relating to social justice.

Section 2 explains the legal and guidance framework that underpins our organisational activities.

Section 3 describes our policy objectives that we incorporate throughout all of our services.

Section 4 describes how we implement our main equality commitments.

Section 5 explains how we monitor performance through performance indicators.

Section 6 sets out our training and development programmes commitments, including a summary of the diverse range of equality training that we consider.

Section 7 describes positive action and how this is used to promote equal opportunity for a range of groups.

Section 8 explains how we consult on the policy through our tenant participation strategy.

Section 9 describes how we deal with complaints regarding this policy.

Section 10 sets out how we review the policy.

Note: The policy is written in sections to enable changes to be made easily as law and guidance develop.

Section 2: Law and guidance

This section describes equality legislation and guidance that we use in delivering our services. This is a plain language summary of some key law and guidance and is not intended as a precise statement of all relevant law.

This section describes the following issues:

- the Equality Act 2010;
- the Scotland Act 1998;
- the Housing (Scotland) Act 2010; and
- good practice.

2.1. The Equality Act 2010

The Equality Act 2010 is the main Act covering equality issues, although other legislation is also relevant (see Appendix 1).

The Act sets out the “protected characteristics” in respect of which discrimination, harassment or victimisation is unlawful; protected characteristics were formerly referred to in law as “grounds.”

In alphabetical order, these protected characteristics are:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Note: In this policy, we also take account of discrimination that can arise in respect of other grounds such as social class and personal attributes.

The Equality Act 2010 also contains a legal duty called the Public Sector Equality Duty. And we take this duty into account when delivering public services.

This Duty covers three main elements, namely:

- eliminating unlawful discrimination;
- advancing equality of opportunity between people with a protected characteristic and those without such a characteristic; and
- fostering good relations between people with a protected characteristic and those without such a characteristic.

Importantly, this Duty requires us, not simply to address unlawful discrimination when it arises, but to take steps to promote equal opportunity objectives.

Note: There are also various specific duties that apply to listed public authorities. We take account of such duties when assessing our practices.

2.2. The Scotland Act 1998

In Scotland, the Scotland Act 1998 defines equal opportunities:

“Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions”
(The **Scotland Act 1998**, Schedule 5, L2)

This definition is significant as it covers grounds that are not part of the protected characteristics. For instance, the definition covers social origin (or class), as well as grounds like language and personal attributes.

2.3. The Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010 requires us to “act in a manner to encourage equal opportunities” (section 39). This requirement involves incorporating all relevant equality law throughout our organisational

services. In short, this law is promoting the mainstreaming of equality commitments throughout organisational services.

2.4. Good practice

Good practice guidance and information is issued by a range of organisations, including (in alphabetical order):

- Age (Scotland);
- Chartered Institute of Housing;
- Equality and Human Rights Commission;
- Glasgow Centre for Inclusive Living;
- Path (Scotland);
- Scottish Accessible Information Forum;
- Scottish Federation of Housing Associations; and
- Stonewall (Scotland).

We also promote the Scottish Social Housing Charter that contains an important equal opportunity outcome.

The first outcome of the Charter, for example, requires us to perform all our housing services to ensure 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.

This outcome explain what we should achieve for all tenants and other customers regardless of age, disability, gender re-assignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation (Scottish Social Housing Charter, 2012).

To sum up: This section outlines important equality law and guidance that determines our equality policy and its action plan. The next section illustrates our core equality objectives.

Section 3: Our policy objectives

Our policy objectives describe the core activities that we will incorporate throughout all of our services, including employment practices. These cover ten main issues.

Law and good practice guidance

We implement all relevant law and good practice, as required, throughout organisational services; this is done to address unlawful discrimination and to promote equal opportunity.

Equality action plan

We use a detailed equality action plan to incorporate equality commitments throughout our services; this action plan is updated on an ongoing basis.

Equality data

We collect equality data to provide appropriate services to our employees, Board Members, tenants and other service users; all information is processed in line with the Data Protection Act 1998.

Organisational policies and procedures

We assess organisational policies and procedures so that they promote equality law and good practice guidance; this is known as equality impact assessment.

Accessible information

We publish information in line with various standards so that information is accessible to the needs of individual people, whenever possible.

Partnership working

We work in partnership with various organisations to promote our equality objectives; this covers organisations in Inverclyde as well as organisations throughout Scotland.

Performance monitoring

We monitor service delivery through our internal performance management system; this information enables us to amend and improve practices, as required.

Organisational training and development

We deliver a range of equality training to address the different training needs of our staff and Board Members; this training is linked to our staff development review process.

Positive action

We establish positive action programmes, in line with law and good practice guidance, to promote equal opportunity objectives; these cover training and employment programmes.

Policy review

We review this policy every three years, or earlier if required, due to changes in law or relevant guidance; we do this in consultation with staff, tenants and other service users through our Tenant Participation Strategy.

To sum up: This section is the most important policy section as the equality objectives represent key organisational standards. These standards are incorporated into actual practice through our equality action plan.

Section 4: Implementing equal opportunity objectives

This section explains how we incorporate our equality objectives throughout all of our services.

This is done by reference to:

- organisational culture;
- equality action plan; and
- supporting policies.

4.1. Organisational culture

Culture is not a separate thing, but refers to the values that we promote as an organisation. For example, we treat staff, tenants and other service users with respect and dignity. Again, we recognise that people may have different needs and it is important to address those needs, as appropriate.

4.2. Equality action plan

Our equality action plan is the document that we use to implement our equality objectives. The action plan contains all of the activities that we carry out so that all organisational policies and practices incorporate equality commitments. For example, our employment policies and procedures incorporate equality related issues so that they meet equality law and related good practice guidance.

We set time scales for implementing these activities in the action plan and activities are progressed over varying time scales. Indeed, certain activities are ongoing such as gathering equality data; for equality data change regularly as needs of staff, tenants and other service users change.

4.3. Supporting policies

We have established other supporting equality policies that are necessary to meet our equality objectives. These policies cover:

- equality impact assessment;
- gathering equality data;
- harassment; and
- using appropriate language.

The equality impact assessment policy that we call our accessibility policy is of particular importance. This policy is used to assess the effects of our organisational policies and procedures in:

- eliminating unlawful and unfair discrimination;
- advancing equal opportunities; and
- fostering good relations among people with different needs.

To sum up: We use an equality action plan to implement our equality objectives effectively into practice. Our equality strategy is supported by a range of specific equality policies, including an equality impact assessment policy. The main aim of this approach is to develop an organisational culture that is supportive of social justice and equal opportunity in practice.

Section 5: Staff training and development

5.1. Context

Staff training and development is necessary if organisational commitments are to be met in practice. Quality training programmes are essential to enable:

- employees to understand and implement our equality policy objectives; and
- Board Members to develop and monitor the implementation of the equal opportunity policy.

5.2. Equality training

Equality training can vary considerably in terms of its content and purpose. We assess, therefore, the needs of staff and Board Members in order to deliver appropriate equality training. In particular, we link training to the specific roles of staff and Board Members.

Examples of equality training programmes that we provide include:

- induction training, for example, for new staff;
- attitudinal training to promote our organisational cultural values;
- training on the equality policy, the action plan and our other equality policies;
- equality law and relevant guidance, including relevant models promoted by the Equality and Human Rights Commission such as the social model of disability;
- consciousness raising, for instance, providing staff with information about different forms of discrimination and harassment; and
- performance management training for Board Members.

Note: Board Members' training is linked to their role that includes making policy and reviewing the effects of policy in practice.

To sum up: Our equality training programmes are based on a detailed training need assessment that takes account of the roles of staff and Board Members.

Section 6: Performance monitoring

6.1. Reasons for monitoring performance

We monitor performance for several reasons. Firstly, we use equality data that we gather to meet our legal duties relating to addressing unlawful discrimination and also promoting equality objectives.

Secondly, we monitor performance to assess how well we are implementing our equality objectives. This also enables us to assess our standards of performance and to take steps to improve performance, as required.

6.2. Methods of performance management

We monitor our services continually in respect of both employment and housing services. We do this through various methods as follows:

- gathering performance indicators as part of the Scottish Social Housing Charter (see Appendix 1);
- including specific equality performance indicators throughout organisational policies and procedures; and
- taking into account the views of our staff, tenants and other service users about equality issues, for example, the quality of our services.

6.3. Types of performance management

In order to evaluate our services comprehensively, we have established quantitative and qualitative equality indicators.

Quantitative indicators

These indicators cover monitoring of “**numbers**” of things, for example, numbers of staff by reference to the protected characteristics. For example, this could include monitoring staff who are:

- disabled or non-disabled;
- women or men; and
- from black and minority ethnic backgrounds.

Qualitative indicators

These indicators are related to the **quality** of our services and measured against specific equality standards. For instance, we monitor things such as:

- the accuracy of our policies and procedures;
- the clarity and plain language of public information that we provide; or
- the quality of advice and information that we give to tenants.

To sum up: We monitor organisational performance through a range of quantitative and qualitative performance indicators. We use data gathered and evidence collected to evaluate and improve our performance.

Section 7: Positive action

7.1. Positive action explained

Positive action is promoted by the Equality Act 2010 and equality guidance. Positive action is used to address discrimination against certain groups that has occurred historically. This is quite different from positive discrimination that is, in general, unlawful. Positive discrimination would arise if someone is given preference, say, when selecting job applicants because of a relevant protected characteristic.

Positive action, on the other hand, is concerned with promoting access to employment and training opportunities for people who have been under-represented in employment historically such as women or disabled people.

By promoting positive action, we encourage people to apply for jobs in areas in which they have been traditionally under-represented. For example, positive action could involve encouraging women to apply for jobs traditionally done by men such as trade jobs in the building industry.

Note: We also apply this principle to services that we provide.

7.2. Our positive action initiatives

We implement various positive action initiatives across our services; and we consider new initiatives continually. Examples of positive action training programmes that we have established include traineeships for people from black and minority ethnic groups (Path (Scotland)). And traineeships for disabled with the Glasgow Centre for Inclusive Living to establish traineeships.

To sum up: We support positive action programmes to address locally identified needs and address barriers to training and employment that are affecting adversely certain groups.

Section 8: Tenant participation

8.1. Consultation arrangements

We have established a tenant participation strategy that explains how we consult with tenants and other service users. For example, this strategy explains how we consult with individual tenants and other service users on our policies, organisational standards and so on.

8.2. Consultation on our equal opportunity policy

As a key strategic policy that is likely to impact on tenants and other service users, we consult with tenants and other service users on our equality policy objectives and monitoring. This is done as part of our general policy review procedures as outlined below.

To sum up: We promote tenant participation as part of our organisational strategy; this includes involving tenants and other service users in consultation about core equality policy commitments.

Section 9: Complaints

We deal with complaints through our organisational complaint handling procedure. This procedure follows the framework developed by the Scottish Public Services Ombudsman. We provide all of our tenants with information on how to complain when signing their tenancy agreements. This information is also provided to other service users such as people registered on the common housing register.

If tenants and other service users are dissatisfied with how we are implementing the equality policy, we advise them of their rights to lodge a complaint.

Section 10: Reviewing policy

We review our policies on an ongoing basis. In general, we review our equality policy every **three** years or earlier, as appropriate. For instance, we may review this policy if changes to equality law or good practice guidance occur.

Appendices

Appendix 1: Law and guidance

Appendix 2: Recent Developments in Scotland

Appendix 1: Law and guidance

The main Act that regulates our equality policies and service delivery is the **Equality Act 2010**. This Act covers an array of issues including:

- defining discrimination, harassment and victimisation;
- the rights of individuals to be protected from unlawful discrimination;
- the public sector equality duty; and
- remedies.

As well as the Equality Act 2010, we also take into account other laws that are relevant to equal opportunity matters.

Examples are noted below; this list is not definitive and summarises some key laws. Specialist equality law concerning specific fields such as education, mental health, transport and parking are not included.

Housing law (public sector)

Housing (Scotland) Act 2010

Other law relating to equality matters

Offences (Aggravation by Prejudice) (Scotland) Act 2009

Equality Act 2006

Human Rights Act 1998

Scotland Act 1998

Protection from Harassment Act 1997

Data protection

General Data Protection Regulation

Family law

Marriage and Civil Partnership (Scotland) Act 2014

Domestic Abuse (Scotland) Act 2011

Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

Family Law (Scotland) Act 2006

Civil Partnership Act 2004

Protection from Abuse (Scotland) Act 2001

Matrimonial Homes (Family Protection) (Scotland) Act 1981

Good practice guidance

Good practice guidance is varied and this section lists some of the main guidance that we take into account.

CIH (2010) **Equalities and Diversity in housing**, CIH Scotland

CIH (2009) **Equality, Diversity and Good Relations in Housing**, Good Practice Brief, CIH

Eglinton, S and Barbour, P (2011) **Equalities Guidance "Getting the balance right,"** Glasgow: SFHA

Scottish Government (2012) **Scottish Social Housing Charter**, Edinburgh: Scottish Government.

Note

We also take account of the various statutory and non-statutory codes that are produced by the Equality and Human Rights Commission. For example, the Codes of Practice on Employment, Services and Equal Pay.

Performance indicators

The present equality indicators that we use to monitor our equality performance include those contained within our annual returns in connection with the Scottish Social Housing Charter.

Recent developments in Scotland

Legal developments

Since the Equality Act 2010, there have been a range of developments including changes to equality law itself. Some of these changes are as follows:

The first part of the Equality Act 2010 that was intended to address economic disadvantage has now come into Scots law through secondary legislation and effective from 1 April 2018. This requires public bodies to address socio-economic inequalities.

Sources:

The Scotland Act 2016, section 38;

SSI 2017 No. 403 The Equality Act 2010 (Commencement No. 13) (Scotland) Order 2017;

SSI 2018 No. 220 The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2018.

Statutory guides

The Equality and Human Rights Commission has published a number of guides that local authorities must take into account as part of decision making processes. These are the Codes of Practice on:

- Equal Pay;
- Employment;
- Services, Public Functions and Associations.

Non-statutory guidance issued by the Equality and Human Rights Commission on the Public Sector Equality Duty

A number of new guidance has been introduced since 2010.

These guides provide an overview of the public sector equality duty, including the general equality duty, the specific duties and who they apply to. They cover what public authorities should do to meet the duty, including steps that are legally required, as well as recommended actions.

Examples of these guides are:

- Essential guide to the Public Sector Equality Duty;
- Mainstreaming the equality duty: a guide for public authorities;
- Employee information and the Public Sector Equality Duty;
- How to improve board diversity - six step guide to good practice;
- Equality outcomes and the Public Sector Equality Duty;
- Equality outcomes self-assessment toolkit;
- Evidence and the Public Sector Equality Duty: a guide for public authorities;
- Involvement and the Public Sector Equality Duty;
- Assessing impact and the Public Sector Equality Duty;
- Making fair financial decisions: a guide for decision makers in Scotland;
- Procurement guidance; and
- Guidance for Councillors and Elected Members.