

**Equality & Diversity Policy (4.1)**

**AS WITH ALL OF THE ASSOCIATION'S POLICIES and PROCEDURES, THIS GUIDE, IN FULL AND IN PART, CAN BE MADE AVAILABLE IN SUMMARY, ON TAPE, IN BRAILLE, AND IN TRANSLATION INTO MOST OTHER LANGUAGES –**

**PLEASE ASK A MEMBER OF STAFF IF YOU WOULD LIKE  
A VERSION IN A DIFFERENT FORMAT**

Approved By	Committee of Management at the meeting on 3 <sup>rd</sup> October 2007
Reviewed	June 2018 (partial)
Next Review	April 2020

## **1. Introduction**

- 1.1 Whiteinch & Scotstoun Housing Association (WSHA) is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout WSHA there will be a consistent approach in promoting equality and diversity across all areas within the organisation, covering the entire employment relationship from the recruitment process to termination and references to the services delivered and relationships managed with others.
- 1.2 All employees are required to abide by this policy. This policy also covers discrimination by and towards members of the public, Committee Members, contractors and staff from other agencies. WSHA opposes all forms of unlawful discrimination.
- 1.3 This Equality and Diversity Policy aims to ensure that in all of its operations, the provision of services, employment of staff, contracting and purchasing, this Association will seek to guarantee fairness for all representatives of the undernoted, recognised strands of diversity:
- Age
  - Disability
  - Gender
  - Race
  - Religion or belief
  - Sexual orientation
  - Transgender.

## **2. Background**

- 2.1 Tackling inequality is not something new. UK Governments have been addressing equality and diversity issues for many years, and although progress has been made it is recognised by WSHA that inequalities still exist in Scotland and throughout the UK. As the government now brings all equalities law under one piece of legislation, it remains vital that WSHA has an equality and diversity policy to illustrate its compliance with legislation and also support the government in its aim of promoting a culture of dignity and respect for all and eliminating discrimination.
- 2.2 While it is accepted that Registered Social Landlords, such as this Association, have to accept the law covering equality and diversity issues and comply with its terms (and the expectations of the Scottish Housing Regulator), in delivering services, the organisation is keenly aware that what is important is knowing and understanding the diversity of the community we serve.

This should enable us to ensure that the appropriate services are delivered to meet the right needs while it is also intended that the Association should be seen as an exemplar in promoting a positive approach to diversity, which, in turn, can assist to promote understanding and good relations between people with different backgrounds and experiences to the benefit of the community at large.

- 2.3 Lack of Equal Opportunities is not only a serious moral issue but also has a significant impact on business performance. Studies have shown that high levels of motivation are achieved in an environment of respect and fairness. WSHA will aim to ensure that all employees will be treated with fairness and respect and not be discriminated on the grounds of age, disability, gender, race, religion or belief, sexual orientation, or transgender status or to be disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance. WSHA will therefore ensure all employees are provided with equality of opportunity in the course of their employment including recruitment. It is also held as obvious by the Association that embracing diversity can only help to recruit the best talent available.

### 3. **Definitions**

- 3.1 The Association will use the following definitions when addressing any relevant equality or diversity issues.

#### **Diversity**

Is about valuing individual differences. WSHA is committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. WSHA recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit WSHA as well as respect for all clients.

#### **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 but, in addition, any personal attributes will be recognised as areas that could be subject to discrimination.

#### **Direct Discrimination**

Is treating someone less favourably than others based on their belonging to a particular group.

### **Indirect Discrimination**

A policy, practice, procedure, provision or criterion that applies to everyone in the same way but might disadvantage a particular group, and which cannot be objectively justified in relation to the job, service being provided or other aspect of a relationship.

### **Harassment**

Conduct that violates a person's dignity or creates an intimidating, hostile degrading, humiliating or offensive environment or feelings. The intention of the perpetrator is irrelevant; it is the impact on the individual that determines whether harassment has taken place

### **Victimisation**

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 Discrimination**

Giving advantage to groups in society, which are often underrepresented. Positive Discrimination is unlawful in the U.K.

### **Positive Action**

Addressing imbalances in the workforce, 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 WSHA but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in WSHA in comparison to the local community where they are under represented.

### **Failure to make Reasonable Adjustments**

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

## **4. Implementation of the Policy**

- 4.1 The Chief Executive is responsible for ensuring the Policy's day-to-day implementation.
- 4.2 WSHA will ensure that all new employees and Management Committee Members will receive induction on this policy. The policy will be widely promoted and integrated into all policies and procedures within WSHA. Copies of the policy will also be freely available and displayed in WSHA's offices.

- 4.3 Appropriate training and guidance will be available to promote equality and diversity among existing staff.
- 4.4 This policy applies to everyone in WSHA and all have a responsibility to be alert to discriminatory behaviours and practices when they occur. Unacceptable behaviour and practices must not occur. However, if, or when, a situation arises it will be dealt with immediately, as inaction is not an option. Breaches of the Equality & Diversity Policy will be regarded as misconduct and will lead to disciplinary action, which, in accordance with the Association's Statement of Terms & Conditions of Employment, may include dismissal.

### **5. Provision of Services**

- 5.1 The Association will at all times endeavour to ensure that in all its activities, primarily the provision of services, the principles of the Equality & Diversity Policy will be fully applied.
- 5.2 In order to ensure that this can occur, Policies and Procedures will be designed to be clear and comprehensive and seek to avoid discrimination, no matter how inadvertent. To this end all Policies and Procedures when being developed or reviewed will consciously be considered as to whether they might in some way lead to discrimination and, if found to be possible, this will be rectified. Each document will carry a statement to the effect that it has been considered in this manner.
- 5.3 The Association will seek to provide documents in other languages (using translation services) where required and will advertise this in the most common minority languages identified as being spoken in the area of operation. In addition, the services of interpreters will be employed, where required for anyone who has difficulty with English as a first language and likewise advertised in the appropriate languages as above. If required, documents will be provided in large text, Braille or in audio versions.
- 5.4 A statement will be included on all public documents (Policies, Newsletters, Annual Reports, etc), indicating the foregoing, in both English and those minority languages identified as most common to the area.
- 5.5 All contractors and agents acting on behalf of the Association will be asked to provide an acceptable Equal Opportunities Policy. If they cannot do this they will be given a copy of this Policy and asked to confirm in writing that they understand its expectations and that they will observe its principles and practices at all times while working on behalf of WSHA.

## **6. Recruitment and Selection**

- 6.1 It is WSHA's goal that all recruitment decisions will be based completely on the merits and abilities of candidates alone 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.
- 6.2 A fair recruitment process will remove barriers where possible to the employment of people of different backgrounds. This will help the organisation to recruit from the widest pool of talent, potentially raising the standard of intake and, therefore, increasing the opportunity of a more diverse workforce, which reflects the community we are serving. A more diverse workforce should improve the organisation's service delivery, as it will include staff with more knowledge and experience about meeting the needs and aspirations of service users and potential service users.
- 6.3 To highlight WSHA's commitment to promoting equality and diversity 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 within WSHA will state that an equality and diversity policy is in place. The information contained in the advert 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 WSHA will ensure that all applications will 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.
- 6.4 WSHA will ensure all Committee Members and staff involved at any stage in the recruitment and selection process will receive equality and diversity awareness training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unwittingly by asking any questions that may be considered discriminatory or lead to discrimination.

## **7. Terms & Conditions of Employment**

- 7.1 As part of the employment relationship being covered under this equality and diversity policy all contracts of employment will be issued in accordance with the job role and not the jobholder. Employee's terms and conditions will be standard across all employees regardless of age, disability, gender, race, religion or belief, sexual orientation or transgender status. 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.

## **8. Training & Development**

8.1 Equality and diversity 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 will provide a positive image of people reinforcing an image and of equality of opportunity.

## **9. Reasonable Adjustments**

9.1 In line with disability legislation, the Association, in all activities relating to its people, that is Committee Members, and Staff, will seek to apply reasonable adjustments where appropriate. Reasonable adjustments are steps that can be taken to avoid substantial disadvantage where a provision, criterion or practice puts someone with a disability in such a position.

9.2 The term “reasonable” is relative to the effort cost and practicality involved. The Association in seeking to be compliant with disability discrimination legislation intends to be in a position to cover obvious expectations (e.g. wheelchair access, dyslexia), however, until particular disabilities relating to individuals are identified and considered, a view cannot be taken on whether particular adjustments can be made or not.

9.3 It is therefore incumbent upon the persons affected to identify that they have a disability; the Association will not make any assumptions about a disability or how it may affect an individual. However, for an adjustment to be applied in any given situation the Association must be advised as soon as it is required.

9.4 For simple, easily applied adjustments, the Association will accept the personal assessment of an individual’s needs. Examples could include printing reports or correspondence on yellow paper with larger font sizes for people with dyslexia or assistance from another Committee Member to manipulate papers should someone have a restricting physical disability.

9.5 For more complex and/or costly adjustments, however, the Association will always require a medical diagnosis of the disability and will then, always, take expert advice as to what, if any, reasonable adjustments can be applied to overcome any potential disadvantage. Any individual who feels themselves so affected must therefore advise the Association as soon as they consider that they require an adjustment and they must do so in a reasonable timescale; failure to do so will mean that the Association is not in a position to make an adjustment (even if reasonable) and will have to continue with

whatever business is at hand subject to the demands and timescales required. For example, should a Committee Member feel that their disability prevents them from appropriately participating in a decision making process without an adjustment and they do not supply adequate evidence of that disability in a reasonable timescale, the business needs of the Association will take precedence and be applied without their input.

## **10. Redundancy Selection**

- 10.1 Should redundancy selection ever prove necessary this will be made according to statutory requirements and in line with the Association's Statement of Terms & Conditions of Employment. Criteria will be discussed with the Trade Union and/or nominated representatives. The criteria will be set out and will be objectively fair and consistent. This will ensure that employees selected for redundancy are selected according to the chosen selection criteria and not in any discriminatory way either indirectly or directly.

## **11. If You Consider You Are Being Discriminated Against (Staff)**

- 11.1 This procedure is complemented by WSHA's Dignity at Work policy. For further details, please refer to that Policy.
- 11.2 Where an employee feels they have been discriminated against, victimised or harassed, there are different ways in which a claim can be dealt with depending on the circumstances. In the first instance the employee should raise the issue informally with their line manager (unless the claim is against their manager, in such circumstances the employee should raise the issue with the manager next in line).

### **Informal Stage**

Initially the employee and manager should aim to resolve the matter informally as it may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. This is often the most efficient way with dealing with such circumstances in order to maintain current working relations.

However, even though the matter has been treated informally a file note should be kept on the complaining employee's file of the incident and should include a statement that the note will only be taken into account if further complaints are made. The file note may be necessary if there is a requirement at a later date, should any unacceptable behaviour or practice continue.

Dealing with the matter informally does not remove the individual's right to have the matter dealt with formally should that be the most appropriate next



course of action.

### **Formal Stage**

If the employee is dissatisfied with the outcome, or the complaint is very serious, the employee should raise the matter, in writing, detailing the complaint to their Line Manager, to the Deputy Chief Executive or to the Line manager of the alleged bully or harasser. In line with this process an investigation into the claim will be carried out in accordance with WSHA's Dignity at Work Policy.

If the outcome of the investigation is that a formal disciplinary hearing should take place this should be conducted in line with WSHA's disciplinary procedures. Please refer to the policy for full details.

## **12. If You Consider You Are Being Discriminated Against (Members of the Public, Committee Members, Contractors, Staff from Other Agencies)**

- 12.1 The right to be treated equally with dignity and respect extends to outside contractors, Committee Members and other agencies whilst at work. They can complain and the complaint will be investigated by WSHA and appropriate action will be taken. Employees also have a right to complain if they feel they are being discriminated against by those not directly employed by WSHA.
- 12.2 If anyone, including a staff member or colleague feels that they are being discriminated against in the course of their working day from any of the above, the following procedure should be adopted.

### **Informal Stage**

Where possible, incidents should be dealt with informally. If the employee, member of the public, Committee Member, contractor or agency worker feels able to do so they should inform the bully or harasser if possible at the time, that they find their actions/remarks and behaviour to be unacceptable. If the situation warrants the need for a witness individuals are advised to approach a colleague to accompany them when approaching the alleged bully or harasser. The individual should then report the matter to their Line Manager if the employee is the victim or the matter should be reported to any manager should the behaviour be directed at a member of the public, Committee Member, contractor or agency worker from a member of staff at WSHA as soon as possible. As with before it may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. However, again a file note should be kept on the complaining employee's file of the details of the situation and the outcome.

If the employee does not feel able to speak to the individual in person they can ask their manager or where appropriate any manager to do so and it will be the responsibility of the manager to discuss the situation and explain what will happen if any further incidents occur. It will be made clear to the individual that continuation of conducting themselves in this way may be deemed to be refusing services altogether which could result in either the withdrawal of a service or refusal of access to WSHA premises. Where the situation involves an employee of WSHA being the bully/harasser then this could lead to disciplinary action. Any action will be carried out in line with WSHA's disciplinary and grievance policy. Regardless of future action, a file note will be kept in the complaining employee's file providing details of the incident and the action taken where applicable.

If informal action proves insufficient to deal with persistent inappropriate behaviour, the employee or management may instigate formal action.

### **Formal Stage**

Where formal action is the most appropriate way to deal with the person in question, they will be written to officially by the relevant senior manager informing them that their comments, actions, behaviours are not acceptable and are potentially discriminatory. The letter will state that further incidents will not be tolerated and that they may result in the withdrawal of services. In the situation of an employee of WSHA acting inappropriately towards a member of the public, committee member, contractor or agency worker, then they will be investigated under WSHA disciplinary procedures, where disciplinary action may be an outcome, including dismissal. In cases of physical violence or serious threats the senior manager should also involve the police if appropriate.

In cases where the discrimination involves contractors or staff from other agencies the stages as detailed above will be carried out. However, due to the specific nature of the relationship between the organisation and these individuals/organisations, the following additional step should be included in the informal stage.

The manager will contact the appropriate senior person within the company/organisation concerned to advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to organisation premises.

## **13. Monitoring and Reporting**

- 13.1 Monitoring will be carried out with the purpose of seeking to demonstrate that the Equalities & Diversity Policy is operating appropriately in that it can show whether or not all groups are being treated fairly. Its outcomes will be:

- to establish the effectiveness of the Policy;
- to determine if and where any form of discrimination within operations does exist;
- to assist in eliminating discrimination within operations and the communities served.

13.2 The Association will collect statistics on housing applications, allocations made, responses to recruitment advertising, staff, and general and Committee Members. This will cover all of the recognised strands of diversity: Age, Disability, Gender, Race, Religion or Belief, Sexual Orientation and Transgender.

13.3 However, while all such data will be gathered and used in complete confidentiality, it is recognised that any respondent has the right not to advise on any of these aspects and therefore there can never be any guarantee that such data will be complete.

13.4 Notwithstanding this, each year, Committee will receive a report on these statistics (with those on recruitment exercises reported on completion) and, using as much background information on the diversity of the local population as is available, this will seek to:

- account for qualifying factors and data restrictions
- identify and analyse trends;
- draw conclusions with implications for policy and procedures;
- develop actions to address such conclusions; and
- set plans and targets as appropriate for the year ahead.

#### **14. Equal Opportunities Testing**

14.1 In accordance with the Association's Equality & Diversity Policy, this Policy has been consciously considered to judge whether there is any likelihood that its presentation or operation could in any way lead, no matter how inadvertently, to discrimination. The conclusion of this exercise is that it is believed that the Policy should operate in a non-discriminatory way.

#### **15. Arrangements for Review**

15.1 This policy will be reviewed every five years, or earlier, if this is required by legal, regulatory or best practice requirements.