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## **Blue Triangle (Glasgow) Housing Association Ltd**

### **Equality and Diversity Policy**

**HR 022 REV 1**

**26 January 2017**

(previously within Equal Treatment Policy)

#### **Our Mission Statement**

***“Blue Triangle exists to support, accommodate and assist vulnerable people achieve better lives.”***

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**Revision history**

<b>Rev No.</b>	<b>Rev. Date</b>	<b>Consultation Requirements (See Section 4 – Consultation)</b>	<b>Lead Officer</b>	<b>Committee</b>	<b>Approved by COM</b>
1	Nov 2016	UNISON	LD	HR	

**Chairman**

Signed:  .....

**Dated: 26 January 2017**

**Chief Executive Officer**

Signed:  .....

**Dated: 26 January 2017**

## **Section 1 Introduction**

### **1.1 Rationale for the policy**

The Association recognises that many people and groups suffer discrimination and face serious barriers when trying to fulfil their true potential. It is the aim of the Association to take positive steps to redress discrimination, to improve equality of opportunity and to combat any unreasonable or unfair treatment that places people at a disadvantage for any reason.

As a responsible employer, the Association is committed to encouraging equality and diversity among its workforce and eliminating unlawful discrimination.

The purpose of this policy is to inform and reinforce the awareness of all employees that everyone has a duty to comply with the law on equality in employment and to encourage a positive attitude towards fairness of treatment and opportunity.

This policy does not form part of any employee's contract of employment and may be varied from time to time.

### **1.2 Risk assessment statement**

This policy relates to a medium area of risk because the Association's workforce is the key element in its ability to provide high quality services. The Association's staff must be able to demonstrate an appreciation of equality and diversity in order to demonstrate the behaviours required by the Association and to lead by example.

### **1.3 Policy context**

The Association operates within the social care sector and receives public money to fund the services that it provides on behalf of local authorities to its service users. It therefore must follow best practice in preventing unlawful discrimination and promoting diversity and equality in all aspects of its work.

## **Section 2 Legal and regulatory standards**

### **2.1 Legal framework**

**The standards referred to in this section have been taken directly from each Regulator's guidance. Each Regulator has written their guidance according to the audience being addressed: service users, staff or board member.**

Equal Pay Act 1970 (Equal Value Amendment 1984)

Rehabilitation of Offenders Act 1974

Equality Act 2010

## **2.2 Regulatory standards: the Scottish Housing Regulator (SHR) (Governance and Financial Management)**

The RSL conducts its affairs with honesty and integrity **(standard 5)**

### **Significant Performance Failures**

The Scottish Housing Regulator (SHR) has a duty to consider issues raised with them about “significant performance failures”. A significant performance failure is defined by the SHR as something that the landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. That is something that is a systemic problem that does, or could, affect all of a landlords tenants. Examples of a significant performance failure could be if social landlords are not:

- delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- achieving the regulatory standards on governance or financial management.

## **2.3 OSCR (Office of the Scottish Charity Regulator)**

### **The Targeted Regulation Framework**

#### **Charity Trustee duties**

You must act with care and diligence **(standard 1.2)**

- You have to protect your charity including its beneficiaries, assets and reputation. This means understanding and assessing potential risks to make sure that decisions are as robust as possible.

## **2.4 The Scottish Social Housing Charter**

Not applicable

## **2.5 Regulatory standards for housing support: the Care Inspectorate**

You can be assured that the provider has policies and procedures which cover all legal requirements, including staffing, training, whistleblowing, managing risk and proper record-keeping, including recording incidents and complaints **(standard 3.1)**

You will not suffer any form of abuse from housing support staff **(standard 7.2)**

## **Section 3 Policy content**

### **3.1 Purpose of the Policy**

The policy’s purposes are to:

- Provide equality, fairness and respect for everyone in the Association’s employment, whether temporary, part time or full time

- Not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation
- Oppose and avoid all forms of unlawful discrimination, including in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working and selection for employment, promotion, training and other developmental opportunities.

The Association aims to encourage, value and manage diversity and is committed to equality for its entire staff. The Association wishes to attain a workforce that is representative of the communities from which it is drawn.

These principles of equality of opportunity and non-discrimination also apply to the manner in which staff are expected to treat service users, external agencies, business partners and visitors.

The Association's commitment extends to training of managers and all other employees about their rights and responsibilities under this policy.

### **3.2 Definitions**

#### Direct discrimination

Direct discrimination is defined by ACAS as treating someone less favourably because of certain attributes of who they are (protected characteristics).

The protected characteristics include age, disability, gender, gender reassignment, marriage/civil partnership, pregnancy and maternity, race or religion/belief.

Examples of direct discrimination include dismissing someone because of a protected characteristic, deciding not to employ them, refusing them training, denying them a promotion or giving them adverse/unfavourable terms and conditions of employment.

#### Indirect discrimination

ACAS describes indirect discrimination as occurring when an organisation's practices, policies or procedures have the effect of disadvantaging people who share protected characteristics and which cannot be justified.

### **3.3 Responsibilities**

#### Employer

The Association is responsible for promoting equality of opportunity in accordance with the objectives of this policy and for ensuring that:

- All employees are made aware of this policy.
- Personnel responsible for recruitment training, personnel selection and career development receive training in the principles of equal treatment.

- Suitable arrangements exist for dealing with grievances arising from incidents involving unequal or discriminatory treatment – staff can access the Grievance Procedure, Whistleblowing Policy or Harassment and Bullying Policy for details of those arrangements.
- The effects of the policy are adequately monitored in terms of the procedures operating within the Association and those involving contact with external sources. Recruitment processes, training data, disciplinary and grievance records, equal opportunities forms and complaints records are regularly reviewed by the appropriate staff at Head Office, and an external consultant is used to provide ongoing advice on policies and procedures.

### Employees

Every employee must comply with this policy and refrain from discrimination or victimisation of any individual or group. Every employee also has a duty to bring any instances of discrimination or victimisation to the attention of management. The employee may utilise the Whistleblowing Policy where appropriate or may choose to disclose verbally or in writing to the line manager, a senior manager or the Human Resources department.

An employee's desire to remain anonymous will be respected where this is possible.

All staff should understand that they, as well as the Association, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination in their course of their employment against fellow employees, service users, suppliers, visitors and the public. Individuals against whom acts of discrimination are alleged will be the subject of investigation, which, if appropriate, may lead to disciplinary action being taken up to and including dismissal without notice.

### **3.4 Recruitment and Selection**

The following principles should apply whenever recruitment or selection for positions takes place, whether externally or internally:

- Individuals will be assessed according to their personal capability to carry out a given job
- Assumptions that only certain types of people will be able to perform certain types of work must not be made
- Any qualifications or requirements applied to a job should only be retained if they can be justified in terms of the job to be done
- Experience will be measured in terms of skills and knowledge gained as opposed to a specific number of years
- Job vacancies will be advertised in a consistent, non-discriminatory way
- Personal details contained on the front page of the application form will be removed by the Human Resources department before passing to the hiring manager

- Short-listing and interviewing will normally be carried out by more than one manager
- Interview questions and selection tests will relate to the values, competencies, knowledge, abilities, skills and experience required to undertake the job
- Selection decisions will not be influenced by any perceived prejudices
- Written records of interviews and selection tests will be kept for a period of 6 months
- Where any provision, criterion or practice for recruitment and selection puts disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage (for example, changing the interview location for an applicant with mobility problems or arranging additional facilities for applicants with sight or hearing impairments).

### **3.5 Promotion, Transfer and Training**

The following principles should apply to opportunities for promotion, transfer and training:

- Assessment criteria and appraisal schemes should be carefully examined to ensure that they are not directly or indirectly discriminatory
- Promotion and career development patterns will be regularly monitored by the Human Resources department to ensure that access to promotion, training and career development opportunities is not denied to particular groups or types of workers
- Qualifications and particular types of experience may discriminate against certain workers and will need to be objectively justified by reference to the job requirements
- Policies and practices regarding selection for training, day release and personal development should not result in an imbalance in training between groups of workers
- Where any provision, criterion or practice relating to promotion, appraisal, transfer or training puts disabled workers at a disadvantage due to a reason connected with their disability, reasonable adjustments should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage (for example, making training for a disabled worker available in a different way or at a different location).

### **3.6 Terms of Employment, Benefits, Facilities and Services**

The following principles apply to employment, benefits, facilities and services:



- The terms of employment, benefits, facilities and services available to employees should be reviewed regularly to ensure that they are provided in a way that is free from unlawful discrimination
- Part time workers should receive pay, benefits, facilities and services on a pro rata basis to their full time comparators unless otherwise objectively justified – any manager who is in any doubt should seek advice from the Human Resources Manager. Typically, this means that there is a legitimate aim and one which does not go further than necessary.
- Where any provision, criterion or practice relating to employment, benefits, facilities and services puts disabled workers at a disadvantage due to a reason connected with their disability, reasonable adjustments should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage
- Pay criteria, policies and practices should be carefully examined and regularly monitored through analysis of data every six months at the Human Resources Committee and, if it appears that any group of workers are disadvantaged by them, they will be checked to make sure that this is not due to any indirect discrimination.

### **3.7 Grievances, Disciplinary Procedures, Dismissals and Redundancies**

Workers who, in good faith, bring a grievance (or assist another to do so) either under this policy or otherwise in relation to an equality or equal opportunities matter will not be disciplined, dismissed or otherwise suffer any adverse treatment for having done so.

No member of a particular group of workers will be disciplined or dismissed for performance or behaviour that would be overlooked or condoned in another group, unless there is genuine and lawful justification for different treatment.

Redundancy criteria and procedures will be carefully examined to ensure that they are not applied and do not operate in an unlawfully discriminatory manner. The provision of any voluntary redundancy benefits will be equally available to all workers unless there is a genuine and lawful justification for doing otherwise.

### **3.8 Disability**

It is the Association's policy that all disabled people, including job applicants and employees, should be able to participate in all of the Association's activities fully, on an equal basis with people who are not disabled.

All managers should take all reasonably practical steps to ensure that disabled people are not less favourably treated or disadvantaged by comparison to people who are not disabled in relation to their work, working environment or by any provision, criterion or practice used by the Association.

For the purposes of this policy, disabilities are either physical or mental impairments that have a substantial and long term effect on a person's ability to carry out normal day-to-day activities. Particular conditions such as HIV and some forms of cancer are covered from the point of diagnosis and do not have already to be long term. Managers should seek advice from the Human Resources Manager for further information on what is covered by normal day-to-day activities and the status of particular illnesses.

Some disabilities are immediately obvious (for example, use of a wheelchair), while other disabilities may not be apparent at all (for example, HIV infection). Certain conditions are not considered to be disabilities (for example, poor eyesight that is corrected simply by wearing prescription spectacles, or addiction to alcohol or other substances). Managers should seek advice from the Human Resources Manager about whether or not a particular condition is a disability.

The general equality and equal opportunity principles set out earlier in this policy will apply in relation to disabled people whether they currently have a disability or in respect of any detrimental treatment whether they have had a disability in the past.

The Association will take all reasonably practicable steps to ensure that disabled people able to participate in its operation and activities on an equal basis with people who are not disabled.

The Association will not, for a reason relating to a person's disability, treat disabled people less favourably than it treats, or would treat, others to whom the same reason does not or would not apply, unless that treatment would be justified.

If any provision, criterion or practice used by or on behalf of the Association or any physical feature of premises occupied by the Association puts disabled people at a substantial disadvantage compared to people who are not disabled, the Association will take such reasonably practicable steps as it can to prevent this disadvantage. This is known as the duty to make reasonable adjustments.

The following general steps should always be considered where issues concerning disabilities arise or may arise:

- Reasonable flexibility is important. There may be many different ways to avoid discrimination or to minimise the effects of discrimination. A small adjustment may be all an employee needs.
- Consider any performance or attendance problems in the context of the person's disability and its effect on their ability to meet performance and attendance targets. (It may be the case that there is no correlation but it is important to consider the possibility.)
- Do not make assumptions. Whenever possible, talk to the disabled person to find out how their disability affects them and what steps they think might help.
- Seek expert advice when required. Disability issues can be complex and expert medical advice about a person's disability or expert technical advice on

workplace adjustments can provide insight into appropriate reasonable adjustments.

#### **Section 4 Consultation**

Section 54 of the Housing (Scotland) Act 2001 stipulates a requirement of RSLs to consult their tenants on policies and procedures which significantly affect their tenants. BTHA has no tenants but considers this a right which should be given to its service users/residents. The occupancy agreement that we use, therefore, includes a clause which indicates our commitment to consult with service users/residents.

By doing this, we are promoting an open and positive approach to whistleblowing. This, in turn, promotes confidence amongst service users and other customers that we are publicly accountable and managed in line with quality standards.

The regulatory standards (Care and Housing) also stipulate that service providers should have robust consultation processes in place in order to comply. This means that if there are proposals or policies which could significantly impact on service users/residents such as those in relation to housing management, repairs and maintenance or more strategic changes that we endeavour to notify service users/residents of this and listen to any concerns. The main vehicle for this will be our service users/residents' forum.

We also operate a policy on consulting with staff and taking feedback on board. Service users/residents and staff will not be consulted on all policies – an assessment will be made at policy review as to what level of consultation (if any) will take place.

#### **Section 5 Monitoring and review link with KPIs**

Policies will be reviewed on a three yearly cycle by the Committee of Management according to a policy programme provided on an annual basis at the start of the financial year. All policy reviews will take into account our equality impact assessment toolkit requirements. Committees will report on performance to committee of management at the end of the year. We use a small number of key performance indicators (KPIs) which monitor critical success factors. Our policy monitoring framework tracks any policies which impact on KPIs. Other policies may have indicators which are monitored at departmental level.

The policy and its implementation will be reviewed by the Committee of Management.

#### **Section 6 Publishing and availability of policy**

This policy is available in electronic format or hardcopy to all staff, service users, Committee members and other customers, as appropriate.

#### **Section 7 Accessibility**

We are committed to promoting accessible services that address the needs of individual service users and employees, as appropriate. For example, our policies can be provided in other formats such as in larger print or in audio-format.

## **Section 8 Other relevant policies and procedures**

The Association has a wide range of policies covering corporate services (covers the entire association) and operational services (covers only specific operational areas). It is important that this policy is not viewed in isolation but consideration is given to the wider context in which it operates.

## **Section 9 Complaints**

We follow the Model Complaints Handling System that has been developed by the Scottish Public Services Ombudsman (SPSO). This is a comprehensive procedure that allows for complaints to be dealt with in either one of two stages.

Complaints must be dealt with in line with set timescales so that complaints are dealt with quickly.

If still dissatisfied after Stage 2 has been completed, a dissatisfied customer can take their complaint to the SPSO.

Any service user wishing to complain should ask for a copy of our complaints procedure. A service user, alongside their right to complain to the SPSO, can also complain to the Care Inspectorate, the Local Authority or other commissioner of the service, and they may have the right to complain to the Scottish Housing Regulator. To take their complaint further, a service user generally needs to go through our internal complaints procedure in the first instance.

## **Section 10 Equality Impact Assessment**

Equality Impact Assessments are required when developing or amending or reviewing policies. This is to ensure that the impact of any policy is understood in terms of EO requirements.