

EQUALITY POLICY

JANUARY 2022



LANARKSHIRE
HOUSING ASSOCIATION LTD



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EQUALITY POLICY

(*Note Lanarkshire Housing Association hereinafter referred to as LHA)

1.0 INTRODUCTION AND OBJECTIVES

1.1 Introduction

We recognise that Equality is not a standalone issue and seek to embed this concept into all of our strategic planning activities and day to day services. This policy updates the prior Equality and Diversity Policy and fully addresses current legislation, regulation and guidance.

1.2 Our Overall Vision

“To benefit communities in Lanarkshire by protecting the global environment and engaging with stakeholders to find better ways to invest scarce resources in providing affordable homes for the future and delivering greater social value in our housing related services”

1.3 Aims of the Equality Policy

In our commitment to this policy, our specific Equality, Diversity and Human Rights objectives are to:

- Positively promote equal opportunities and human rights for all our customers and employees
- Ensure equality of opportunity underpins all of our policies, procedures and processes
- Embrace diversity and eliminate any direct or indirect discrimination that we encounter

2.0 THE STATUTORY AND REGULATORY FRAMEWORK

2.1 **The Equality Act 2010 (the Act)** legally protects people in the workplace and in wider society. It replaced the previous anti-discrimination legislation and strengthens protection, whilst making the law easier to understand.

2.2 Under section 149 of the Act, parties who exercise public functions are subject to the **general equality duty** and they must seek to understand the effects of their activities on the specified **9 groups with protected characteristics**.

2.3 To comply with this legislation, we must have **‘due regard’** (i.e. actively consider as part of the decision-making process) to the need to address **the Act’s 3 aims**, which are;

1. To eliminate unlawful discrimination, harassment and victimisation
 2. To advance equality of opportunity between people who share a protected characteristic and people who do not share it
 3. To foster good relations between people who share a protected characteristic and people who do not share it
- 2.4 Prior to the Act's introduction, the emphasis of equality legislation was on rectifying discrimination **after** it occurred, however, in relation to the **second aim** i.e. to **advance equality of opportunity between different groups**; this places an obligation to positively promote equalities by:
- removing or minimising disadvantages suffered by people due to their protected characteristic
 - meeting the needs of people with protected characteristics and
 - encouraging participation from people with protected characteristics
- 2.5 In addition to the Act, other relevant legislation includes the **Human Rights Act 1998** which prohibits discrimination and the **Housing (Scotland) Acts of 2001 and 2010**; which place legal obligations on housing associations to promote equal opportunities.
- 2.6 Besides legislation, we will also comply with the Scottish Housing Regulator's Regulatory Framework in relation to the performance of tenant services, financial well-being and standards of governance. As part of this process, LHA is required to confirm through its Annual Assurance Statement that it meets the requirements around equality and human rights, including the equalities outcome in the Scottish Government's Social Housing Charter.

3.0 HOW WE WILL ADDRESS OUR OBJECTIVES

- 3.1 We will address our objectives in our capacity as a Service Provider, an Employer and through working with others.
- 3.2 ***As a Service Provider we will:***
- Deliver services that are equally accessible to all who use them and treat individuals with respect, whilst tailoring services to their needs
 - Ensure that **Equality and Human Rights** issues are at the core of the policies and procedures that guide our actions. To achieve this we will carry out an Equality Impact Assessment on all new and reviewed policies and practices, taking account of locally generated equality data

- Find ways to identify and address any unmet needs and disproportionately low levels of engagement with people sharing protected characteristics. This will involve liaising with such customers and any community organisations that may represent their interests
- Remove physical barriers to housing by providing appropriate new build that meets 'Housing for Varying Needs' standards and thereafter, carry out general adaptations, where feasible

3.3 ***As an Employer:***

Recruitment – We will aim to ensure that employment opportunities are equally accessible to all sections of the population.

Conditions of Employment – Our employment practices are unbiased and will create an environment where everyone is encouraged to realise their full potential. Family-friendly initiatives have been developed and we have policy statements on Dignity at Work, including related policy and procedures to deal with harassment and bullying in the workplace.

Workplace – We will carry out an annual assessment of the workplace in relation to parties with disabilities, to ascertain whether any 'reasonable adjustments' are required in accordance with the Act. In recognition of this commitment, LHA is accredited as a Disability Confident Employer.

Our people – We will ensure that staff and governing body members are aware of this policy and receive appropriate guidance and training on their associated responsibilities. Our people must also alert a member of the Management Team or an Office Bearer of any situation or practice which appears to be contrary to the principles of this Policy.

3.4 **Whilst Working with Others we will:**

- Liaise with agencies, including Police Scotland and local residents' groups, in an effort to promote harmony in the community, eradicate discrimination and ensure our tenants enjoy their tenancies free from harassment
- Take appropriate action to combat any unlawful discrimination, including enforcing our Anti-Social Behaviour Strategy, pursuing legal remedies against perpetrators and providing or assisting in the provision of support for victims of such harassment
- We will ensure that those we work with and parties we commission or procure services from, such as contractors and consultants, also have appropriate equality policies and practices

4.0 HOW WE WILL ACHIEVE OUR OBJECTIVES

4.1 Collecting Equalities Information

Under the **general equality duty** we are required to **analyse the effects of our functions** in relation to the protected characteristics. To meet this duty, we will ensure that we have a sound evidence base to work with by collating sufficient usable data, for the following key areas of activity:

- Applications for housing
- Existing tenancies
- New tenancies
- General membership
- Governing body membership
- Job applications
- LHA employees

4.2 The Protected Characteristics

We will collect **equalities information** from the above key areas of activity, on a voluntary basis, in relation to the protected characteristics as outlined in the Act. These are age, disability, gender reassignment, marriage & civil partnership status, pregnancy & maternity (excluded from the monitoring process), race, religion or belief, gender and sexual orientation.

These protected characteristics can be further described as follows:

1. **AGE**

This refers to being a particular age or age group and includes all ages. As a protected characteristic, age can affect the way people access services and employment.

2. **DISABILITY**

A disabled person is someone who has a physical or mental impairment that can have a substantial and lasting adverse effect on their ability to carry out normal daily activities. The Act explicitly recognises that disabled people's needs are different and public bodies need to take account of impairments when making decisions about policies or services.

3. **GENDER REASSIGNMENT**

A person has the protected characteristic if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their gender by changing physiological or other attributes of their gender (does not require a medical procedure.) A transsexual person has this protected characteristic, however, a transvestite (a person who wears clothing of the opposite gender) is not included within this characteristic.

4. **MARRIAGE & CIVIL PARTNERSHIP STATUS** (only in respect of the first aim i.e. the need to eliminate discrimination)

A person has this protected characteristic if they are in a marriage or civil partnership.

5. **PREGNANCY & MATERNITY**

This prohibits less favourable treatment on grounds of pregnancy, birth and breastfeeding. We currently ask our housing applicants whether a member of their household is pregnant and take this into account when allocating properties. We also have policies to ensure that our employees understand their maternity and paternity rights. This information is of a transitory nature and is not collected for monitoring purposes.

6. **RACE**

This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origin.

7. **RELIGION OR BELIEF**

Religion means any religion and belief is any religious or philosophical belief. A reference to religion includes a lack of religion and reference to belief also includes a lack of belief.

8. **GENDER** (referred to as 'sex' in the Act)

This means a man or a woman.

9. **SEXUAL ORIENTATION**

This relates to a person's sexual orientation and can be:

- towards persons of the same-sex (lesbians and gay men)
- towards persons of the opposite sex (heterosexual)
- towards persons of either sex (bisexual)

4.3 Monitoring Equalities Information

Assessing the impact of our actions involves obtaining sound equality information and carrying out effective analysis. Data will be collected in relation to this policy using the model equality monitoring form included within the Collecting equality information : National guidance for Scottish social landlords, August 2021 document produced by the SFHA, Scottish Housing Regulator and others (**Appendix 1**), and this data will be analysed to enable us to:

- Profile our key activities base in relation to the protected characteristics and, where appropriate, compare it with relevant statistical data
- Identify any shortfalls or imbalances in our key areas of activity in relation to the wider community and assess the impact of our policies and practices for any discriminatory effect
- Identify any key changes or trends in our data and use this to inform service provision and strategic direction
- Identify and pursue any required action, such as setting equalities objectives and targets or undertaking positive action initiatives (i.e. lawfully treating some people more favourably than others to overcome or minimise disadvantages that those who share a protected characteristic have experienced, or to meet their different needs) in accordance with equality law
- Monitor progress in relation to objectives and targets

To enable effective analysis of the equality information; an **Equality Action Strategy Report (Appendix 2)**, (existing format attached) will be compiled by the Chief Executive, or other party as delegated by the Chief Executive, and this will be presented **annually** to the **Human Resources and Equality Sub Committee** to review the Report findings. **Appendix 3** is used for the evaluation of information collected from the monitoring form.

All relevant information will be collected in accordance with the UK GDPR and the Data Protection Act 2018 and this will be explained to persons being asked to provide the information. As a data controller, LHA collects equality data in accordance with the lawfulness condition, in order to comply with the legal obligation covered within the Scottish Housing Regulator's regulatory framework. The processing of special categories of personal data will be carried out using the relevant exemption of obtaining explicit consent from the data subject. This consent will be freely given and easy to withdraw, with detailed evidence retained and updated, as appropriate.

5.0 COMPLAINTS AND GRIEVANCES RELATING TO THIS POLICY

- 5.1 LHA has implemented a **Complaints Handling Procedure** to ensure that all complaints, including those relating to equalities issues, are thoroughly investigated in a fair and thorough manner.
- 5.2 Any person who considers that they have not been afforded an equal opportunity in line with this policy may pursue a complaint through the Complaints Handling Procedure. This will be recorded as an **equality issue complaint** for the purposes of reporting to the Scottish Housing Regulator. This process can be accessed from our website or by approaching the Association.
- 5.3 Employment concerns may be raised through the Grievance Procedures and staff are also able to report appropriate concerns through the policy for dealing with Whistleblowers.
- 5.4 Swift action will be taken, in accordance with the Complaints Handling Procedure, to address any issues uncovered following investigation and if the conduct of an employee or governing body member is found to be contrary to this policy; it will be considered a serious disciplinary matter and may lead to dismissal from employment or removal from the Management Committee.

6.0 COMMUNICATION OF THE POLICY

- 6.1 As a public body, LHA will always seek to provide appropriate communications to its tenants and customers as well as ensuring equal access to information, regardless of disability or impairment. We offer to interpret and translate through the 'Happy to Translate' service and make communications available in alternative formats (braille, large print, miniloop etc) which are accessible to the intended audiences.
- 6.2 To maximise awareness of this policy; it will be communicated to employees, governing body members, tenants, customers and contractors and consultants employed by the Association. It will also be displayed in the Association's offices and available on request, free of charge, to any member of the public.
- 6.3 LHA will report its equality monitoring to tenants and other customers on an annual basis through its Newsletter or other communication.

7.0 RESPONSIBILITY FOR THE POLICY

- 7.1 The Governing Body has ultimate responsibility for ensuring that the Association complies with the principles of this policy in all its activities. The policy will be overseen by the Human Resources & Equality Sub Committee, which will meet at least three times per year, and there will also be an annual review by the Management Committee; unless a change in legislation, or similar, requires an earlier revision.

- 7.2 The day to day responsibility for implementing the policy is delegated to the Management Team; with the Chief Executive retaining the overall responsibility for the policy's operation.

LANARKSHIRE HOUSING ASSOCIATION LTD



EQUALITY MONITORING FORM

Information for those completing the form

Why are we asking for equality information?

We collect equality information to help us plan and deliver effective services. This also assists us in ensuring that we meet our legal and regulatory obligations.

What do we do with equality information?

We use equality information for a range of purposes, including to help us:

- Protect and promote your rights and interests
- Promote equality objectives across our services
- Identify and address our customers' needs and improve our services
- Identify and eliminate any form of discrimination

Do you need to answer every question?

By answering as many questions as possible you will help us meet your needs better, but we provide options throughout this form to allow you to provide only the information you want to give us. You can complete some questions and not others or you can complete parts of questions. The form also has space to tell us more about your needs, if you wish.

We may ask for some information in other forms where this is required by law. For example, where we need to know your age if you are applying for a home, as only persons over 16 years old can be registered on our housing list.

How do we process your equality information?

We process equality information strictly in line with data protection law, including by:

- Processing your equality data confidentially
- Restricting access only to relevant staff members
- Retaining equality information only as long as necessary
- Sharing data only as lawfully permitted
- Destroying data securely

Who do we gather equality data about?

We gather this from:

- People who apply for a home
- Tenants
- People who apply for a job with us
- Our employees
- Committee Members

We can provide this form in large print, braille, audio format or other languages and further information or assistance to complete this form is available on request by telephoning, emailing or visiting our office.

NAME _____

1. AGE

We may request a specific date of birth in certain forms when this is required by law. For example, we need to know the age of housing applicants as a person can only be registered on our housing list if they are 16 years of age or over.

What age are you?

What is your date of birth?
(DD/MM/YYYY)

Prefer not to say (please tick)

2. SEX

What is your sex?

Female

Male

Intersex

Prefer not to say

Please advise if you have any particular requirements

Please tick here if you wish to discuss the matter in confidence

3. GENDER RE-ASSIGNMENT (TRANS/TRANSGENDER)

Do you consider yourself as transgender?

Yes

No

Prefer not to say

Please advise if you have any particular requirements

Please tick here if you wish to discuss the matter in confidence

4. SEXUAL ORIENTATION

What is your sexual orientation?

Heterosexual/straight

Gay man

Lesbian

Bisexual

Other

Prefer not to say

Please advise if you have any particular requirements

Please tick here if you wish to discuss the matter in confidence

5. DISABILITY

Are you a disabled person?

Yes

No

Prefer not to say

If Yes, please tick the box from the following list which you would use to best describe why you are a disabled person:

Autoimmune (i.e. multiple sclerosis/HIV/Crohn's)

Sensory impairment - hearing impairment

Learning difficulties (i.e. Downs Syndrome)

Sensory impairment - visual impairment

Mental health issue (i.e. depression, bi-polar)

Neuro-divergent condition (i.e. autistic spectrum, dyslexia)

Physical impairments (i.e. wheelchair user/cerebral palsy)

Other (please specify below)

Please advise if you have any particular requirements

Please tick here if you wish to discuss the matter in confidence

6. ETHNICITY

Please indicate your particular ethnic group:

African

African, African Scottish or African British

Other African Background, please specify

White

- Scottish
- English
- Other British
- Irish
- Gypsy traveller
- Polish
- Roma
- Welsh

Mixed Groups

Mixed or multiple ethnic background _____
Please specify

Asian, Scottish Asian or British Asian

- Indian, Indian Scottish or Indian British
- Pakistani, Pakistani Scottish or Pakistani British
- Bangladeshi, Bangladeshi Scottish or Bangladeshi British
- Chinese, Chinese Scottish or Chinese British
- Any other Asian background (Please specify) _____

Black or Caribbean

- Caribbean, Caribbean Scottish or Caribbean British
- Black, Black Scottish or Black British
- Any other Caribbean or Black background (Please specify) _____

Other

Other group, please specify _____

Prefer not to say

Please advise if you have any particular requirements

Please tick here if you wish to discuss the matter in confidence

7. MARRIAGE AND CIVIL PARTNERSHIP STATUS

Are you currently in a marriage?

Yes

No

Prefer not to say

Are you presently in a civil partnership?

Yes

No

Prefer not to say

Please advise if you have any particular requirements

Please tick here if you wish to discuss the matter in confidence

8. BELIEF OR RELIGION

Please tick the box which best describes your belief or religion from the list below?

Buddhism

Christian – Catholic

Christian – Protestant

Christian – Other (please specify) _____

Hinduism

Judaism

Islam

Sikhism

No specific belief or religion

Prefer not to say

Any other religion or belief
Please specify below

Please advise if you have any particular requirements

Please tick here if you wish to discuss the matter in confidence

GENERAL

Please tick if there are any issues that you wish to discuss in confidence

CONSENT

By signing this form you are providing explicit consent for the processing of this equality data

Signature: _____

Date: _____

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS FORM

EQUALITY ACTION STRATEGY

This supplementary guide to operational targets should be read in conjunction with the Policies on Equality and Diversity & Harassment with a view to:

- eliminating unlawful racial discrimination
- promoting equal opportunities
- promoting good relations between people from different racial groups

Check figures against the latest Scottish Census statistics (2011) for area

No. / Function	Action	In Place	Date Due
1. Governance	<ul style="list-style-type: none"> ▪ Monitor membership applications and membership composition (in relation to the protected characteristics) ▪ Compare cultural diversity with Scottish Census information for area of operations ▪ Set diversity targets that reflect the latest Scottish Census numbers where applicable ▪ Implement committee training on equality and diversity issues (including racial discrimination and race equality) on a regular basis ▪ Use CRE as source of information and advice 	<p>YES</p> <p>YES</p> <p>N/A</p> <p>YES</p> <p>YES</p>	<p>Annual</p>
2. Recruitment Practices	<ul style="list-style-type: none"> ▪ Monitor job applications and staff membership composition ▪ Ensure job advertisements contain only the necessary skills and abilities required to ensure equality of opportunity ▪ Include equal opportunity statement in all job advertisements ▪ Provide guidance to interview panels involved in selection 	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>	
3. Personal Development	<ul style="list-style-type: none"> ▪ Implement staff training on equality and diversity issues (including racial discrimination and race equality) on a regular basis ▪ Training must engage all managers and service delivery staff ▪ Ensure a Counselling service is available to all employees for personal/work issues 	<p>YES</p> <p>YES</p> <p>YES</p>	<p>Annual</p>

No. / Function	Action	In Place	Date Due
4. People Policies	<ul style="list-style-type: none"> ▪ Maintain satisfactory Equality and Diversity Policy ▪ Maintain satisfactory Harassment at Work Policy ▪ Discrimination and harassment to be treated as gross misconduct for employees, breach of Code of Conduct for committee members and breach of tenancy conditions for tenants ▪ Make provisions for principal communications to be available in different community languages, audio tape, large print and Braille ▪ Staff Handbook contains summary statement on equality and harassment ▪ Ensure policy requires appropriate workplace adjustments for people with disabilities, and ensure suitable wheelchair access to offices ▪ Carry out Equality Impact Assessments on policies and procedures 	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>	<p>Sept 2022</p>
5. Performance Management	<ul style="list-style-type: none"> ▪ Managerial performance to include understanding of equality and diversity issues as a specific part of the competency framework ▪ Ensure data collected is monitored and reported within Key Performance Indicators (KPIs) ▪ Ensure Employment Law advice line is available to management ▪ Annual progress reports to Governing Body on monitoring of protected characteristics ▪ Ad-hoc monitoring for recruitment in membership, committee and staff 	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>	
6. Service Provision	<ul style="list-style-type: none"> ▪ Monitor housing applicants and tenants for race , gender and disability ▪ Compare cultural diversity with Scottish Census information for area of operations ▪ Set diversity targets that reflect the latest Scottish Census numbers where applicable ▪ Develop web-site to include provision in different community languages, audio tape, large print and Braille 	<p>YES</p> <p>YES</p> <p>N/A</p> <p>YES</p>	

No. / Function	Action	In Place	Date Due
	<ul style="list-style-type: none"> ▪ Recognised as being 'Positive about Disabled People' by adopting key commitments as follows:- <ol style="list-style-type: none"> 1. To interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities 2. To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what they can do to make sure they can develop and use their abilities 3. To make every effort when employees become disabled to make sure they stay in employment 4. To take action to ensure that all employees develop the appropriate level of disability awareness needed to make our commitments work 5. Each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans 	<p>YES</p>	
<p>7. Relationships with Agents/ Contractors</p>	<ul style="list-style-type: none"> ▪ Ensure there is a requirement for agents, consultants and contractors to have satisfactory equality strategies in place before appointments or contracts are concluded ▪ Attitude and commitment to equality and diversity addressed as part of consultant and contractor selection process 	<p>YES</p> <p>YES</p>	

**EQUALITY MONITORING RESULTS FORM
KEY AREA OF ACTIVITY**

Number of Forms Issued:	Number of Forms Returned:	Return Percentage:	%
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1. AGE	16 – 24		25 – 34		35 – 44	
	No.	%	No.	%	No.	%
	45 – 54		55 – 64		65 +	
	No.	%	No.	%	No.	%

2. SEX	FEMALE		MALE		INTERSEX	
	No.	%	No.	%		
	PREFER NOT TO SAY					
	No.	%				

3. GENDER RE-ASSIGNMENT (TRANS/TRANSGENDER)	TRANSGENDER		NON TRANSGENDER		PREFER NOT TO SAY	
	No.	%	No.	%	No.	%

4. SEXUAL ORIENTATION	HETEROSEXUAL		GAY MAN		LESBIAN/GAY WOMAN	
	No.	%	No.	%	No.	%
	BI-SEXUAL		OTHER		PREFER NOT TO SAY	
	No.	%	No.	%	No.	%

Group (i) – African	Group (ii) - White	Group (iii) – Mixed or multiple ethnic background	Group (iv) – Asian, Scottish Asian or British Asian	Group (v) – Black or Caribbean	Group (vi) Other Group	Group (vii) Prefer Not To Say
(a) African, African Scottish or African British (b) Other African Background	(a) Scottish (b) English (c) Other British (d) Irish (e) Gypsy/Traveller (f) Polish (g) Roma (h) Welsh	(a) any mixed or multiple ethnic group	(a) Pakistani, Pakistani Scottish or Pakistani British (b) Bangladeshi, Bangladeshi Scottish or Bangladeshi British (c) Chinese, Chinese Scottish or Chinese British (d) Indian, Indian Scottish or Indian British (e) Any other Asian background	(a) Caribbean, Caribbean Scottish or Caribbean British (b) Black, Black Scottish or Black British (c) Any other Caribbean or Black background		

7. MARRIAGE & CIVIL PARTNERSHIP STATUS	IN A MARRIAGE OR CIVIL PARTNERSHIP		NOT IN A MARRIAGE OR CIVIL PARTNERSHIP		PREFER NOT TO SAY	
	No.	%	No.	%	No.	%

8. RELIGION OR BELIEF					
	No.	%		No.	%
Buddhist			Islam		
Christian – Catholic			Sikkism		
Christian – Protestant			No specific belief or religion		
Christian – Other			Prefer not to say		
Hinduism			Any other religion or belief		
Judaism			Other belief		