



**Muirhouse
Housing
Association**

MUIRHOUSE HOUSING ASSOCIATION



**Muirhouse
Homes Ltd**

MUIRHOUSE HOMES

Title of Policy: Equality, Diversity and Human Rights Policy

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Lead Officer: Chief Executive

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Policy: Equality, Diversity and Human Rights Policy

Our Vision, Our Mission, Our Values

Our Vision is an engaged, thriving, desirable and eco-friendly Muirhouse with high quality, truly affordable and greener homes.

Our Mission - We will provide high quality, truly affordable homes and services for residents and strengthen our engagement and partnerships to enrich the community and safeguard our environment.

Our Values - In upholding our central value of providing high quality, affordable homes and services, our behaviours and decisions will demonstrate our commitment to

Excellence: Ensuring the highest standards in all that we do and innovating to continually improve. Across the MHA Group, we are committed to providing a high quality, customer focused service that demonstrates value for money.

Caring: Being compassionate about and responding appropriately to the needs of our residents, staff, and Board.

Mutual Respect: Valuing the views, knowledge, expertise, and skills of others and collaborating to achieve good outcomes for residents, staff and the Association. We will continue to be a leading member of the local community, working with our customers and statutory, voluntary, and private sector partners.

This policy applies to

This Policy applies to all employees and board members at Muirhouse Housing Association (MHA) and Muirhouse Homes Ltd (MH4).

Policy Summary

This policy details our commitment to equality, diversity and human rights and to ensuring a consistent approach in promoting these throughout the organisation in all aspects of our work in compliance with legal, regulatory and best practice requirements.

Equalities

This policy provides the guiding framework for our approach to equality, diversity and human rights in the application of our policies and practice. It addresses the nine protected characteristics in the Equality Act 2010, the provisions of the Human Rights Act 1998 and the Scotland Act 1998.

Privacy

This policy has been developed and will be applied in compliance with General Data Protection Regulations (2018).

Compliance

SHR Regulatory Standards

Standard 2 The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

Standard 5 The RSL conducts its affairs with honesty and integrity.

Relevant legislation and regulations

The Equality Act 2010
Human Right Act 1998
The Scotland Act 1998
The Housing (Scotland) Act 2010
The Scottish Commission for Human Rights Act 2006
The Scottish Social Housing Charter Outcome Number 1
Section 3 of Regulation of Social Housing Scotland

Related Policies

The Equality, Diversity and Human Right Policy spans every Association policy and activity.

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1.0. PURPOSE

- 1.1 Muirhouse Housing Association (MHA) is committed to promoting an environment of respect, understanding, encouraging diversity, promoting human rights and eliminating discrimination by providing equality of opportunity for all.
- 1.2 This statement of policy acknowledges the Equality Act 2010 and aims to ensure that all employees and customers are treated with fairness and respect and not discriminated against on any of the 9 protected characteristics:
- Age (which may relate to a person's age or age group at any stage of life)
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race (including colour, nationality, and ethnic or national origin)
 - Religion and belief (and no belief)
 - Sex
 - Sexual orientation
- 1.3 We recognise the Articles of the European Convention on Human rights, as integrated into the Human Rights Act 1998, and the supplementary protocols. Those particularly relevant to social housing landlords include:
- Article 8: Respect for your private and family life, home and correspondence
 - Article 14: Protections from discrimination in respect of these rights and freedoms
 - Protocol 1, Article 1: rights to peaceful enjoyment of your property
- 1.4 We are committed to ensuring that our policies and procedures promote equality and recognise human rights and will adopt a consistent approach across all areas of our work, including recruitment and retention of employees, procurement and contractual arrangements with contractors, consultants and service providers and in our partnerships with others external agencies.
- 1.5 The Equality Act 2010 applies a public sector equality duty to private or voluntary sector organisations when carrying out public functions. We will consider our equality duties in relation to areas of work identified as examples by the Equality and Human Rights Commission:
- Allocation of housing
 - Setting rent levels
 - Complaints procedures
 - Tenant participation
 - Termination of tenancies
 - Terms of tenancy
 - Policies and procedures regarding anti-social behaviour
- 1.6 We recognise the necessity of balancing rights in certain circumstances, where certain rights have a limited nature and need to be balanced against the rights and freedoms of others.

1.7 This policy also covers equality and human rights in relation to members of the public engaging with MHA, governing body members, employees, contractors, consultants and employees from other agencies working on behalf of Association. MHA oppose all forms of unlawful discrimination and will take a zero-tolerance approach and take appropriate action against any individual or organisation displaying such behaviour.

2.0 PRINCIPLES

2.1 We believe that equality is not about treating everyone in the same way but recognises that people's needs are met in different ways.

2.2 We are committed to valuing and managing people's differences to enable our employees and Board members to contribute and realise their full potential in their roles. We recognise that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit the Association and its members

2.3 We support the upholding of human rights as the basic rights and freedoms that belong to every person in the world, from birth until death, and that are defined and protected by law. Muirhouse's values support the promotion of basic rights based on shared values like dignity, fairness, equality, respect and independence.

2.4 We aim to operate with the following principles:

- Ensure integration with equality and diversity practices into all our work and activities
- Provide working and living environments appropriate to the needs of those from all walks of life and offer a culture that respects and values each other's differences and promotes dignity, equality and diversity
- Meet all relevant equality and diversity law and guidance
- Collect data to provide appropriate services to all employees, tenants and other customers
- Provide accurate and clear information to all employees, Board Members, tenants and other customers
- Work in partnership with other organisations to promote our equality and commitments
- Provide training on Equality and Diversity to employees and governing body members
- Use performance indicators to monitor how effectively we are meeting our equality objectives

2.5 In addition to the protected characteristics set out in the Equality Act 2010, summarised at 1.2 above, we will promote equality and human rights by assessing our policies and practice in relation to challenging unfair treatment or discrimination on any grounds. For example:

- National origin
- Cultural background
- Ethnic origin
- Tenure
- Issues related to literacy or numeracy

- Employment status
- Domestic circumstances

3.0 OBJECTIVES

3.1 The policy will comply with legal, regulatory and best practice requirements including:

- The Equality Act 2010
- Human Right Act 1998
- The Housing (Scotland) Act 2010
- The Scottish Social Housing Charter Outcome Number 1
- Section 3 of Regulation of Social Housing Scotland

3.2 We aim to ensure that no person, group of persons or organisation who engage with us or who requires a service, assistance or advice from us, or who is employed by (or serves) us in any capacity (this includes Board members, contractors, consultants, agents and anyone attending in a voluntary capacity for work experience), is treated less favourably than any other person, group of persons or organisation – put more simply, anyone who has any contact with the Association.

3.3 As an employer, we are committed to:

- Ensuring that employees are treated with fairness and respect from each other and from members of the public, Board members and contractors.
- Making sure we implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds.
- Ensuring people are recruited to our employee's team, Board and other groups solely on the basis of their own merit, experience, ability and potential and in line with the Associations culture and business needs.

3.4 As a landlord and service provider, we are committed to:

- Ensuring that tenants and service users are spoken of and treated with fairness, dignity and respect by staff, Board members, each other, contractors and partners.
- Being non-judgemental about people in relation to their protected characteristics or other personal characteristics or circumstances that could lead to unfair discrimination.
- Complying with equality duties in relation to tenancy and property services.
- Growing our knowledge and understanding of our customers so that we can better provide appropriate and accessible services and communications

3.5 As a partner and purchaser, we will work with others to ensure they understand and share out commitment and that their approach is supportive of this.

4.0 APPROACH AND METHOD

4.1 Our policy will be implemented using the following approaches:

4.2 Equality, Diversity and Human Rights Strategy:

Our Equality, Diversity and Human Rights Strategy details actions and initiatives to implement this policy and to monitor our progress. The strategy will be updated annually and we will report on progress to the Board as part of our Annual Assurance Statement process. This plan will include data collection, communication methods, staff and Board training, as well as policy and other initiatives.

4.3 Equalities impact assessment:

When we develop a new policy, process or initiative which impacts on our customers, we will consider this in relation to the nine protected characteristics and prevention of discrimination.

4.4 Zero tolerance:

We will not tolerate behaviours or actions which are discriminatory and undermine the dignity of the individual. We will investigate any allegations of breaches and take action to stop this in the manner appropriate to the breach and who displays the behaviour e.g. if this is a contractor, tenant or employee.

4.5 Positive Action:

Where it is permitted under the Equality Act we may take positive action which, in certain circumstances, for example:

General: If the Association believes that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, then proportionate action may be taken to help overcome the disadvantage or address the needs.

Recruitment & promotion: Addressing imbalances in the workforce or Board by encouraging persons of underrepresented groups to apply for jobs or positions on the Associations Board or other groups. Positive action may be applicable in setting equality targets aimed at encouraging people from a particular group or groups to apply for a vacancy but no quotas will be set.

We will periodically assess the demographic profile and ethnic backgrounds of our employee, Board and our members to review the level of representation with our

tenants and other customers in our work. We will then take positive action to ensure recruitment seeks to address any imbalances.

4.6 Everybody's responsibility:

The Board is the owner of this policy and responsible for its implementation. The Chief Executive is responsible for leading that implementation and is accountable to the Board for its delivery. Individual responsibilities appropriate to the role will be delegated, however everyone within the Association is responsible for contributing to equality, diversity and human rights in how they lead, manage and behave.

5.0 MONITORING AND PERFORMANCE REPORTING

5.1 We are committed to ensuring that this policy statement is not used merely to pay lip service to equality, diversity and human rights.

5.2 We will carry out equalities monitoring in relation to employees, Board and tenants, and for service areas where risk of discrimination or disadvantage may be higher e.g. anti-social behaviour, allocations, complaints. This will assist us as we strive to address areas of under or over-representation.

5.3 We will gather information to help us assess the degree to which the policies and procedures achieve our objectives in relation to equality, diversity and human rights, reporting on this within the evidence for our Annual Assurance Statement, considered by the Audit and Risk Sub Committee and Board.

6.0 COMPLAINTS AND APPEALS

6.1 The Association has a policy of zero tolerance as far as discriminatory practices and breaches of equal opportunities are concerned.

6.2 Employees and agents

Employees may raise a concern in relation to themselves or others. Any allegation against an employee will be investigated thoroughly by the Chief Executive or as delegated and informal or formal action under the terms of the Grievance or Policy and Procedures may be taken. Should the action be considered a breach of this policy or of the Code of Conduct, action may be taken under the Disciplinary Policy and Procedures.

6.3 If the allegation relates to or involves the Chief Executive, the Chairperson should manage this in line with the Protocol for management, appraisal and support of the Chief Executive.

- 6.4 Before any investigation relating to an employee commences, the Association will seek advice from Employers in Voluntary Housing and/or other HR advisor and/or its employment lawyers.
- 6.5 A breach of the Equality, Diversity and Human Rights Policy will be regarded as misconduct and may lead to disciplinary action through the terms and conditions of employment for employees and the code of conduct for Board members. In these situations, it could potentially lead to dismissal from the Association.
- 6.6 Where required in relation to the Senior Officer, a notifiable event should be reported to the Scottish Housing Regulator.

Board

- 6.7 If the allegation is made against a member of the Board, this should be reported to the Chair who will decide how this should be investigated in line with the Code of Conduct. The procedure for managing potential breaches of the Code of Conduct should be followed, including consideration of appointment of an independent investigator.
- 6.8 Should an investigation show the allegation to have foundation, the procedure for dealing with breaches of the Code of Conduct should be followed.
- 6.9 Where required, a Notifiable Event should be reported to the regulator.

6.10 Tenants or other customers

In the event that our tenant(s) or other customer(s) displays unacceptable behaviour towards employees, Board members or consultants, we will consider initiating appropriate action e.g. taking action against the tenancy under the terms of the tenancy agreement; reporting the matter to Police Scotland; or reviewing communication arrangements with the Association. We would investigate these matters in keeping with our Unacceptable Behaviour Policy.

6.11 Contractors

In breaches of this policy by consultants, contractors or service providers, we will consider the level and severity of the breach and the potential for any recurrence to inform our decision on what action should be taken. The ultimate sanction would be that we seek to terminate the contract.

7.0 POLICY AVAILABILITY

7.1 The policy will be made available to all employees and Board members. Employees training and Board training will take place within three months of the policy being approved and employees/Board members will be encouraged to raise any queries they have relating to the policy to their line manager/Chairperson.

7.2 The policy will be provided for successful job applicants within their induction.

7.3 Contractors or consultants being used by the Association will have details of the policy included within tender documentation.

7.4 The policy will also be made available publicly on our website.

7.5 Communication in Alternative Formats:

One of the ways in which people can be indirectly discriminated against is by information sometimes being inaccessible. For example, a visually-impaired individual may not be able to read a policy in the print size usually available. Similarly, someone whose first language is not English may not be able to communicate effectively with colleagues / employees. This type of indirect discrimination is all the more important to address as it can often be inadvertent and there is perhaps more scope for it to occur.

7.6 To help combat this, we will provide information to employees, Board or customers in any special formats as required. Special formats may include:

- Large print
- Audio tape or CD
- Translations into community languages
- Use of language or sign interpreters
- Braille

7.7 Please note that it is impractical to have all possible formats available immediately. Our commitment therefore relates to the ability and willingness to produce documents in the formats required (or an interpreter if requested) within a period of 5 working days or reasonably practicable. All costs in relation to this will be borne by the Association.

7.8 The availability of documents in other formats will be publicised on our website.

8.0 REVIEW

8.1 The Association will review this policy at least every 3 years. The next review will therefore take place in 2026 or earlier to take account of:

- Applicable legislation, rules, regulations and guidance.

- Changes in the organisation's and community's requirements.
- Developments in best practice.

APPENDIX 1 Legislation and regulatory requirements and guidance

The Equality Act

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaces previous anti-discrimination law with a single Act, making the law easier to understand and strengthening protection in some situations.

The Equality Act 2010 (The Act) is the main piece of legislation relating to equalities. It was passed by the Westminster Government and therefore applies throughout the UK. It has two main aims:

- to harmonise previous pieces of anti-discrimination legislation;
- to strengthen and extend the law in a number of respects.

These areas in the Act of most relevance to RSLs:

- protected characteristics (See Section 1 of this policy)
- the definitions of unlawful discrimination (see Appendix 2)
- the disability related aspects
- the provision of goods, facilities and services
- positive action and the genuine occupational requirements
- employment related matters and pay reviews
- the duties to advance equality
- tackling socio-economic inequalities
- procurement

The Scottish Social Housing Charter

The Scottish Social Housing Charter came into effect on 2 April 2012 and was updated in 2022. Outcome Number 1 addresses Equalities and states:

“Social landlords perform all aspects of their housing services so that:

Every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services”.

Scottish Housing Regulator’s Regulatory Framework (February 2019)

Scottish Housing Regulator’s Regulatory Framework (February 2019) requires social landlords to:

- Have assurance and evidence that it considers equality and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.

- To comply with these duties, landlords must collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waiting lists, governing body members and staff.

APPENDIX 2 TYPE OF DISCRIMINATION AND OTHER EQUALITY DEFINITIONS

The Equality Act outlines types of discrimination. An eight category of institutionalised discrimination is defined below.

1. **Direct Discrimination**

This is less favourable treatment of an individual or group, because of a protected characteristic. An example of this would be to refuse to employ somebody because they had an impairment, which had no relevance to their ability to carry out the job they had applied for.

2. **Associated Discrimination**

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a non-disabled person is discriminated against because they need to take care of disabled dependent.

3. **Perceptive Discrimination**

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to. For example, a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the correct visa to work in the UK as they have a perceived foreign name on their application form.

4. **Indirect Discrimination**

This is when an apparently neutral requirement or condition impacts adversely or has a disproportionate effect on a particular equality group. An example of this could be a policy, practice or procedure 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.

5. **Harassment**

This occurs when a person engages in unwanted conduct which is related to a protected characteristic, and which has the purpose or the effect of (i) violating the dignity of another person or (ii) creating for that person an intimidating, hostile, degrading, humiliating or offensive environment. An example might be displaying a sexist calendar on a wall where this makes the workplace an offensive place to work for any employee. The intention of the perpetrator is irrelevant, it is the impact on the individual which determines whether harassment has taken place.

6. **Harassment by a Third Party**

As an employer, the Association is potentially liable for the harassment of their employees or customers by people they do not themselves employ, for example a contractor or consultant.

7. Victimisation

This occurs when someone faces discrimination because she or he has made an allegation of unlawful discrimination or because of assisting or supporting a complainant. An example might be refusing to consider someone for a promotion because they gave evidence on behalf of a colleague who made a complaint of unlawful race discrimination.

8. Institutionalised Discrimination

This was first defined in the context of racism and exemplified in the Macpherson report on the inquiry into the death of Stephen Lawrence as “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”

Other Equality Definitions and Considerations

a) 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, and described as the 9 protected characteristics of race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

b) Diversity

Is about valuing individual differences. We are committed to valuing and managing people’s differences to enable all employees to contribute and realise their full potential. We recognise that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit the Association and its members.

c) Protected Characteristics

The grounds on which discrimination claims can be made:

Age, disability, gender reassignment, marriage, and civil partnership, pregnancy & maternity, race, religion or belief, sex, and sexual orientation.

d) *Failure to make Reasonable Adjustments*

Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage, e.g. physical environment, attitudes, policies and/or procedures.