

## Public Policies

### Group Equality and Human Rights Policy

#### **Our Commitment**

Argyll Community Housing Association Group is committed to provide equal opportunities across all services and to avoid discrimination. This policy is intended to assist Argyll Community Housing Association (ACHA) and Argyll Homes for All (AHFA) to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

**This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.**

## Public Policies

### Group Equality and Human Rights Policy

<b>Contents</b>	<b>Page</b>
Section 1: Context	3
Section 2: Law and good practice guidance	3
Section 3: Our policy objectives	6
Section 4: Implementing our policy objectives	7
Section 5: Performance management	9
Section 6: Development and training	10
Section 7: Our positive action initiatives	11
Section 8: Dealing with complaints	11
Section 9: Consultation and review procedures	11
Section 10: Confidentiality and data protection	11

### **Appendix 1: Equality and Human Rights Action Plan**

## Public Policies

### Group Equality and Human Rights Policy

#### Section 1: Context

The Argyll Community Housing Association Group (which includes ACHA and AHFA) has established this policy to implement our equality and human rights commitments effectively. The Equality and Human Rights Policy is the main document by which the Group promotes social justice within our area of operations. Achieving social justice is the objective of equal opportunities. This policy is, therefore, a key strategic policy that is part of organisational governance.

The policy ensures that we promote social justice through meeting and promoting:

- our legal obligations concerning equal opportunities and human rights of tenants and service users; and
- all relevant good practice guidance relating to equal opportunities and human rights.

This is in line with our organisational values to promote rights to a fair hearing.

#### Section 2: Law and good practice guidance

This section explains the main legal and good practice guidance framework that we require to meet and promote in delivering services. This serves as a plain language guide to tenants and other service users highlighting the main equality legal requirements, although the section does not provide a precise statement of the law.

The main issues that are dealt with in section 2 are:

- The Equality Act 2010;
- The Human Rights Act 1998;
- The Scotland Act 1998 (relating to human rights);
- The Housing (Scotland) Act 2010;
- The Scottish Social Housing Charter
- The Protection from Harassment (Scotland) Act 1997

##### 2.1. The Equality Act 2010

Prior to 2010 there were many separate equality laws covering issues such as disability, race and sex or gender. The Equality Act 2010 is now the key Act concerning equality legal issues and was introduced to:

- Harmonise previous law; and
- Strengthen equality commitments.

The Equality Act 2010 applies across the United Kingdom and was enacted through Westminster. This Act is now referred to simply as “the Act” throughout our policy for ease of reference.

The Act specifies a number “protected characteristics” – formerly referred to as ‘grounds’ - in respect of which discrimination, harassment and victimisation is unlawful.

## Public Policies

### Group Equality and Human Rights Policy

The law is concerned with unlawful discrimination on these characteristics. Our policy not only deals with `unlawful` discrimination, but also `unfair` discrimination.

The protected characteristics, in alphabetical order, are:

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

**Note:** Our policy also refers to the above as “grounds” to denote “protected characteristics” in the interests of plain language.

It is noted that the important concept of social class is omitted from this list but we include this in the range of issues that we address when promoting equal opportunities. The Scotland Act 1998 requires us, to adopt a pro-active stance to equality matters when delivering services. An example of this would be where we take steps to eliminate unlawful discrimination, on the grounds stated above, and advance equality of opportunity and foster good relationships between people. This is explained in Section 4 below.

#### 2.2 The Human Rights Act 1998

The Human Rights Act 1998 provides for people to have the right to peacefully enjoy their possessions and protection of their property, freedom of thought, conscience and religion, and prohibits discrimination in relation to the enjoyment of convention rights:

- Article 1 – Obligation to respect human rights
- Article 2 – Right to life
- Article 3 – Prohibition of torture and cruel, inhuman and degrading treatment
- Article 4 – Prohibition of slavery and forced labour
- Article 5 – Right to liberty and security
- Article 6 – Right to a fair trial
- Article 7 – No punishment without law
- Article 8 – Right to respect privacy and family life
- Article 9 – Freedom of thought, conscience and religion
- Article 10 – Freedom of expression
- Article 11 – Freedom of assembly and association
- Article 12 – Right to marry
- Article 13 - Right to an effective remedy
- Article 14 – Prohibition of discrimination
- Article 15 – Derogation in time of emergency
- Article 16 – Restriction on political activity of non-national

## Public Policies

### Group Equality and Human Rights Policy

Article 17 – Prohibition of abuse of rights

Article 18 – Limitation on use of restriction of rights

#### 2.3 The Scotland Act 1998

The Scotland Act 1998 defines equal opportunity as follows:

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

This is very important to us as a social landlord as we require to take account of this definition when delivering our services under other law, for example, the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2010.

As the above definition shows, it covers grounds that are additional to those in the Equality Act 2010. For example, the Scotland Act 1998 covers discrimination on grounds of language, personal characteristics and social origin that may include social class. We incorporate these issues into our equality action plan, therefore, to ensure that we address all possible forms of discrimination.

#### 2.4 The Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010 is extremely important as it requires us to behave in a manner that encourages equal opportunities. This applies to all of our services. This requirement takes account of all relevant equality law, as well as the grounds covered in the Scotland Act 1998.

#### 2.5 Scottish Social Housing Charter

The Charter, which came into effect on 1<sup>st</sup> April 2012 and the current version was published on 28<sup>th</sup> March 2017, has Equalities as its first outcome and standard. This requires that, “Social Landlords perform all aspects of their housing services so that:

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

This **outcome** describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these

The Scottish Housing Regulators `The Regulation of Social Housing in Scotland – Our Framework` stipulates that;

*`An RSL requires to conduct its affairs with honesty and integrity and pay due regard to the need to eliminate discrimination, advance equality and human rights, and foster good*

## Public Policies

### Group Equality and Human Rights Policy

*relations across the range of protected characteristics in all areas of our work, including our governance arrangements. (Standard 5.3) `.*

#### 2.6 Other law and guidance

There is a wide range of other laws that is relevant to equality matters. For example, the Protection from Harassment Act 1997 which sets out the rights of individuals to be free from harassment and provides for legal remedies to address harassment. Although the Equality Act 2010 is the main equality Act, it is not the only Act that we take into account when implementing our equality objectives.

Information on other elements of the law, and guidance that we take into account in developing our equality policy is provided in Appendix 1.

### Section 3: Our policy objectives

We have established **twelve** core policy objectives to eliminate discrimination and promote social justice throughout our services. This document also serves as our “Equality Charter” that can be provided to tenants, service users and other organisations.

**Objective 1** - Compliance with all relevant legal and good practice standards relating to equal opportunities and human rights.

**Objective 2** - Our policies and procedures include equality commitments to ensure that we promote these throughout all of our services. This is done through our Equality and Human Rights Action Plan (appendix 1).

**Objective 3** - Work in partnership with local and national agencies, where appropriate, to promote our equality commitments.

**Objective 4** - Deliver accessible services that take account of the needs of individual tenants and service users by:

- making information available in plain language and/or other languages as appropriate;
- providing interpreting and signing services; and
- making reasonable adjustments to services, as appropriate.

**Objective 5** - Provide tenants and service users with accurate quality information about equality matters through handbooks and leaflets.

**Objective 6** - Ensure that all consultants and contractors appointed by us take account of our equality standards.

**Objective 7** - Provide equality training to employees and Board of Management members that is tailored to their role and developmental needs. We may also provide training to tenants as part of our Tenant Participation Strategy.

## Public Policies

### Group Equality and Human Rights Policy

**Objective 8** - Develop our services to meet appropriate standards of quality, for example, meeting plain language standards.

**Objective 9** - Monitor whether our Equality and Human Rights Policy is effective in practice through our performance indicators that are incorporated throughout individual organisational policies.

**Objective 10** - Promote organisational initiatives to encourage people to use our services or seek employment with the Group. This is known as positive action and is promoted as good practice within legislation and other good practice guidance.

**Objective 11** - Address any complaints relating to equality matters in line with the Group Complaint Handling Policy and within time scales set out in our service standards.

**Objective 12** - Consult with tenants and other service users in developing and reviewing the Group Equality and Human Rights Policy as agreed through our Tenant Participation Strategy.

### Section 4: Implementing our policy objectives

This section describes how we put our objectives into practice. The main issues covered are as follows:

- our Equality and Human Rights Action Plan;
- our Equality Impact Assessment (EIA);
- other specialist equality requirements; and
- meeting the single equality duty.

#### 4.1. Our Action Plan

The action plan is a separate internal organisational document that we use to review our services on an ongoing basis. This document is divided into a number of inter-related sections as follows:

- Assessing the needs of individual tenants and other service users to ensure that we provide a service that meets their needs, where appropriate;
- Evaluating all organisational policies and related procedures, including employment and human resource policies, to ensure that they incorporate relevant equality themes and commitments;
- Developing quality organisational standards to ensure that information that we provide is accurate, in plain language and accessible to individual needs, for example, availability of documentation in larger print;



## Public Policies

### Group Equality and Human Rights Policy

- Promoting partnership working to address equality matters in which multi-agency working might be more effective, for instance, addressing discrimination and/or harassment of other people;
- Establishing a training provision to cover and address equality training needs;
- Establishing positive action programmes to promote equal opportunities that focus on locally identified priorities and using local information (first bullet above) to inform these programmes;
- Monitoring the effectiveness of our equality policy by incorporating performance indicators throughout all services; and
- Consulting with tenants and other service users to consider equality issues of local interest and importance.

The management of our action plan is the responsibility of our Director of Human Resources and Corporate Services and their team.

Each activity is assigned a time scale for completing that can be short term, medium term or long term depending on the nature of the activity and resources available to complete it. It is emphasised, though, that an action plan is never completed as many issues are ongoing, for example, gathering information on tenants and service users. Equality Action Plans are also subject to review as equality law changes or as good practice evolves.

#### 4.2 Our Equality Impact Assessment (EIA)

An Equality Impact Assessment (EIA) is the technical term for assessing the effects of our policies and practices in meeting equality objectives. This involves a two stage process that includes assessment of:

- Our policy documentation against our accessibility standard; and
- Measuring the effects of policies through our performance management system and surveys of tenants and other service users.

#### 4.3 Other specialist equality policies

We have developed three specialist policies in addition to our Action Plan and EIA system; these are our Accessibility, Harassment and Appropriate Language Documents.

##### 4.3.1 Accessibility Guidance

Our Accessibility Guidance sets out the standards that our policies and procedures must attain before they are approved in practice. For example, this takes account of key principles such as accuracy, coherence and being accessible to the needs of individual tenants and other service users.

##### 4.3.2 Group Maintaining Performance and Professional Standards Policy

Section 3 of the above named policy explains how we address harassment that occurs on any of the protected characteristics, or other grounds that are covered in the



## Public Policies

### Group Equality and Human Rights Policy

Protection from Harassment Act 1997 and the Scotland Act 1998. (*Subject to SMT and Board approval*).

#### 4.3.3 Appropriate Language Guide

This guide describes language that we deem to be appropriate for use in public documentation. This adheres to our commitment to promote positive attitudes and respect towards other people. For example, we promote the social model of disability by using language that is deemed to be appropriate by people with disabilities.

#### 4.4 Meeting the Single Equality Duty

The Public Sector Equality Duty consists of a general equality duty and specific duties, which help organisations to meet the general duty. The aim of the general equality duty is to integrate considerations of the advancement of equality into the day-to-day business of public authorities.

In summary, those subject to the Equality Duty, must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
- Advance equality of opportunity between people who share a characteristic and those who don't
- Foster good relations between people who share a characteristic and those who don't

These actions are embedded throughout a wide range of organisational policies as part of our commitment to mainstreaming of equality.

## Section 5: Performance management

### 5.1 Methods of performance management

We have established a system of performance management that is based on two main methods. Firstly, we include performance indicators within individual policies that assess equality matters. Examples are provided below. Secondly, we carry out surveys on an ongoing basis to:

- Assess the views of tenants and other service users regarding how well our services meet their needs; and
- Use information received to improve our services.

The information that we gather can be either quantitative or qualitative information.

#### Quantitative monitoring

This involves monitoring of information on things such as numbers of disabled applicants on our housing list, or numbers of people from black and minority ethnic communities.

## Public Policies

### Group Equality and Human Rights Policy

#### **Qualitative monitoring**

This type of monitoring is concerned with the quality of our services against equality standards. For example, this type of monitoring considers the quality of advice and information that we provide to tenants and applicants. With reference to equality matters, this could be about things such as how to address discrimination and/or harassment effectively. Again, we monitor if our public information meets quality standards such as being written in plain language.

#### **5.2 Using performance management information**

In line with our legal duties under the General Data Protection Regulation, we gather performance information for specific purposes (see Section 10). These purposes are to:

- Ensure that identify any form of discrimination that is unlawful and unfair; and
- Take steps to amend or alter policies or practices to remove any discriminatory practices.

### **Section 6: Development and training**

#### **6.1. Background**

Development and training of employees and Board of Management members is critical to effective implementation of equality objectives. Employees, if they are to promote organisational objectives must be trained on a wide range of issues, while Board members are responsible for equality policy development and its monitoring. Training for tenants and other service users is dealt with under our Tenant Participation Strategy.

#### **6.2. Nature of development and training activities**

The purpose of training and development is to ensure that employees and Board of Management members can carry out their roles effectively. This means that different employees and Board of Management members may require different types of equality training.

We have, therefore, established a portfolio of varying sorts of equality training that is matched to the individual needs of employees and/or Board of Management members. Training, it is stressed, is not something that is optional but is deemed to be part of the job role. Development and training needs are identified as part of our annual appraisal review process.

#### **6.3. Specific development and training activities**

Examples of the development and training activities that we promote include:

- Induction training for new staff and Board of Management members so they are aware of our Group policy and commitments to equality;
- Cultural and attitudinal training to emphasise organisational values, including what is permitted in the workplace;

## Public Policies

### Group Equality and Human Rights Policy

- Law and good practice guidance training regarding equality matters, for instance, making employees aware of the main provisions of the Equality Act 2010 and other law;
- Training that evaluates the various forms and causes of discrimination to enhance staff consciousness about the nature of discrimination;
- Training on our specialist policies relating to accessibility standards, harassment and appropriate language use to improve service quality; and
- Training on how to assess equality performance information that is of particular relevance to Board of Management members.

#### **Section 7: Our positive action initiatives**

Positive action is encouraged in law and is used to address historic patterns of discrimination on any of the protected characteristics. Initiatives that we are undertaking are covered in detail in our Equality Action Plan.

Examples that we promote relate to both employment and services. With reference to employment, for instance, we encourage applications for employment from disabled people who are historically under-represented in housing sector in Scotland. In terms of service provision, we promote a quality advice and information service to tenants and other service users to maximise access opportunities to our services.

#### **Section 8: Dealing with complaints**

All complaints are dealt with in line with our Complaint Handling Procedure. In terms of this policy, complaints can be made if we fail to apply this policy properly, or don't meet our organisational standards. We give tenants a copy of our Complaint Handling Procedure when they become tenants of the association. We also advise any other service users of our Complaint Handling Procedure if they want to make a complaint. Details of our complaint procedure are available on our website.

We also provide information about the Scottish Public Services Ombudsman. The Ombudsman deals with complaints involving maladministration, that is, bad practice. Tenants and service users must, in general, use our complaints procedure before contacting the Ombudsman.

#### **Section 9: Consultation and review procedures**

Our procedure for consulting with tenants and other service users in developing organisational policies is contained in our Tenant Participation Strategy. This strategy also sets out how we review existing policies and practices. In general, we review our Equality and Human Rights Policy every three years or as required due to changes to law or good practice guidance.

#### **Section 10: Confidentiality and data protection**

Processing of information that is held manually or in electronic format is governed by the General Data Protection Regulation (GDPR). Under the Data Protection Act 2018, we are permitted to gather equality related data that are necessary for monitoring purposes.

## Public Policies

### Group Equality and Human Rights Policy

Equality data is deemed to be sensitive data and access to this information is controlled strictly within the Group. This is covered under our separate Group Data Protection Policy.