EQUALITY & HUMAN RIGHTS POLICY

Date Approved	Proposed Review Date
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Chair Person/Office Bearers Signature:	

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Cassiltoun Housing Association is a recognised Scottish Charity SC035544

1. Introduction

1.1 This document outlines the Association's Equality and Human Rights Policy.

The Association aims to ensure that all employees and customers are treated with fairness and respect and not discriminated against on the grounds of sex, race, marriage and civil partnership, disability, age, religion or belief, gender reassignment, pregnancy and maternity and sexual orientation. These are the 9 protected characteristics defined in the Equality Act 2010.

1.2 This Policy is supported by an Equalities Strategy and associated Action Plans.

1.3 A copy of the Policy will be published on the Association's website

2. The Case for Equal Opportunities and a Human Rights Approach

2.1 Cassiltoun Housing Association believes that providing equality of opportunity and adopting a Human Rights approach to our work is fundamental to the Association's ethos and values.

2.2 The Association is committed to promoting an environment of respect and understanding, where diversity is encouraged, and discrimination avoided. This commitment covers all areas of our work both as an employer of staff and a landlord/provider of services. It is also important to note that equality is not about treating everyone in the same way but recognises that people's needs are met in a variety of ways.

2.3 Accordingly, we will have a consistent approach to promoting equality and human rights as an employer of staff throughout the entire employment relationship from the recruitment process to termination of employment and references. Whilst as a landlord and provider of services, the Association will strive to ensure it is fully accessible to everyone using our services and that equality of opportunity is provided for all.

2.4 Throughout this Policy we will refer to legal, regulatory, and best practice requirements to ensure that we are not placing the Association at risk of a legal or regulatory breach, however our main motivation is in ensuring equality of opportunity and upholding individuals human rights.

3. Staff and Board of Management Responsibilities

3.1 Ultimate responsibility for ensuring that the Association conforms to the principles outlined in this Policy and strives to achieve the targets set, lies with the Board of Management. The Board of Management will monitor the effectiveness of this Policy and Associated strategies and Action Plans.

3.2 Responsibility for ensuring that the Board of Management is kept informed lies with the CEO and Senior Leadership Team.

3.3 Line Managers are responsible for communicating our organisational values and the Equality and Human Rights Policy to new employees as part of the induction process and ensuring the successful implementation of the Policy.

3.4 Each member of our staff team has a personal responsibility for the implementation of this Policy and for ensuring they treat others with respect and dignity in both employment and service delivery.

3.5 All employees have a responsibility to be alert to, and challenge behaviours and practices which result in unfair discrimination when they occur. Where a member of staff believes such behaviour is occurring they must draw the matter to the attention of their Line Manager to ensure the matter is dealt with immediately.

3.6 If a member of staff believes that unfair discrimination is remaining unchallenged within the Association, they should refer to the Association's Whistleblowing Policy.

4. Legal, Regulatory and Good Practice Framework

4.1 The objective of this Policy is to ensure that the Association not only actively promotes equality of opportunity as an employer and provider of services but is compliant with various legislative and regulatory requirements including.

- The Housing (Scotland) Act 2010.
- The Scottish Social Housing Charter.
- The Equality Act 2010.
- The Scottish Housing Regulatory Framework.
- Human Rights Act 1999.

This Policy will discuss each of these requirements in turn.

4.2 The Housing (Scotland) Act 2010 & Scottish Social Housing Charter

4.3 **The Housing (Scotland) Act 2010** states:
"Social Landlords, when performing housing services, must act in a manner which encourages equal opportunities and in particular the observance of the law for the time being relating to equal opportunities." This means the Association is legally obliged to comply with the Equality Act 2010.

4.4 The Housing (Scotland) Act 2010 also established the **Scottish Social Housing Charter**, which set out the Scottish Government's and Scottish Housing Regulator's (SHR) expectations for Scotland's Registered Social Landlords (RSLs).

The Scottish Social Housing Charter's Equalities Outcome sets out the Scottish Government's expectation 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."

4.5 **The Equality Act 2010**

The Equality Act 2010 which applies to the Association's staff and its customers centres on two key elements, which are:

4.6 The identification of nine "protected characteristics" who require additional protection, and

4.7 The identification of "unlawful behaviour" not allowed under the act.

4.8 **Protected Characteristics**
The 2010 Act identified the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage, and Civil Partnership
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex (Gender)
- Sexual Orientation

4.9 **Unlawful behaviour**
The key elements of unlawful behaviour, which should be avoided as both an employer and a provider of services, as set out within the act are defined below:

a. **Direct Discrimination –** Is treating someone less favourably than others based on a protected characteristic e.g. *refusing to give housing advice to someone because of their sexual orientation.*

b. Associated Discrimination – Discrimination against a person, because they have an association with someone with a particular protected characteristic,
e.g. *someone not appointed, despite being the best candidate, due to having a disabled partner.*

c. **Perceptive Discrimination** – Discrimination against a person because the discriminator thinks the person possesses that characteristic, e.g. *someone is*

discriminated against by their colleagues, because they think they are gay, ***or*** *an employee is overlooked for promotion simply because they look younger and therefore not considered to have sufficient maturity for a senior role.*

d. **Indirect Discrimination –** A policy, practice, procedure, provision or criteria that applies to everyone, but might disadvantage a particular protected group, and cannot be objectively justified, e.g. *not letting properties to people under a certain age, because it is believed as a group, they generally act in an anti- social way.*

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

The Association must also be aware of their responsibility with respect to "Harassment by a Third Party". As an employer, the Association is potentially liable for the harassment of their staff or customers by people they do not themselves employ, for example a contractor or consultant and should act accordingly if this takes place.

f. **Victimisation –** Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.

g. **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."

4.10 **The Scottish Housing Regulatory Framework**

4.11 In February 2024 , the Scottish Housing Regulator (SHR) published its revised Regulatory Framework and Statutory Guideance, effective from 1 April 2024..

4.12 Section 3 of the framework outlines the SHR' regulatory expectations of every RSL with respect to equality and human rights, as follows:

> *"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 eon waiting lists, governing body members and staff."*

4.13 To ensure that the Association complies with the SHR's regulatory expectations, this Policy and Associated Strategy and Action Plans will include:

a. How the Association will review, update and monitor the composition of its tenants, prospective tenants, staff, Board of Management members and shareholding members against the nine protected characteristics outlined in the Equality Act (2010).

b. Continue to make use of Equality Impact Assessments to ensure new and revised policies and decisions take account of equality and human rights issues.

c. Ensuring that regular training is in place for staff and Board of Management members to ensure they are aware of their obligations with respect to equality and human rights.

4.14 **The Human Rights Act (1998)**

4.15 The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law and came into force in the UK in October 2000. The Act contains 16 articles which cover a range of rights with a basic aim to ensure that everyone should be treated fairly, with dignity and respect.

4.16 In 2011, the Equality and Human Rights commission produced "***Human Rights at Home***"[1] guidance for social housing and in January 2022 CIH published '**Walking**

[1] https://www.equalityhumanrights.com/en/publication-download/human-rights-home-guidance-social-housing-providers

the Talk'[2] which provides and overview of human rights issues, new emerging issues and UN's International Convention on Economic Social and Cultural Rights (ICESCR) definition of adequate housing.

4.17 'Human Rights at Home' guidance recommends that social housing providers pay particular attention to articles 6, 8 and 14 of the 1998 Act when providing services, developing policies and procedures

a. Article 6: Right to a Fair Trial:

Everyone has the right to a fair hearing (trial) means people should be given the opportunity to participate effectively in any hearing of their case, and to present their case in conditions which do not place them at a substantial disadvantage when compared with the other party in the case for example a person who is subject to a decision-making process in relation to a possible eviction should have access to an interpreter, if necessary. Staff should also ensure that any important decisions i.e. allocations, evictions, etc. should be given with reasons.

b. Article 8: Right to Respect for Private Life, Family Life and the Home:

Everyone has the right to respect for their private and family life, their home and correspondence. It is important to emphasise that the right to respect for a person's home is not a right to be given any extra priority to be housed by Cassiltoun Association but is a person's right to access and live in their home without intrusion or interference. For the Association this has various implications including:

- Personal information about customers should be kept private and confidential.
- The right to respect for family life includes the right for a family to live together.
- Taking positive steps to prevent others seriously undermining a person's home or private life, for example, through anti-social behaviour.

c. Article 14: Prohibition of Discrimination

This means that everyone must have equal access to the Association's services, regardless of their race, religion, gender, sexual orientation, disability, or any other personal characteristic. For example, a gay couple must be treated in the same ways as a heterosexual couple in relation to the right to succeed to a tenancy.

A difference in treatment can only be justified if there is a good reason for the treatment and if it is proportionate in the light of that reason. For

[2] https://www.cih.org/publications/walking-the-talk-an-overview-of-the-right-to-adequate-housing-and-human-rights-issues-for-landlords-in-scotland

example, if the Association provides specially adapted housing to people with a medical condition that needs these particular facilities.

5. Policy Statement, General Principles and Protected Characteristics

5.1 This Policy has two main aims:

- To ensure that no person, group of persons or organisation who deal with the Association in any way or who requires a service, assistance, or advice from the Association, or who is employed by (or serves) in any capacity by the Association (This includes Board of Management 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 sort of contact with the Association.

- To promote the Policy so that anyone dealing with the Association in any capacity is made aware that the Association has a zero tolerance of any act which contravenes the Policy or the policy principles in any way.

5.2 To help achieve the main aims as outlined in section 5.1 above, the Association will:

- Raise awareness of the Association's equal opportunities commitment.
- Continue to use Equality Impact Assessments
- Ensure equality of opportunity and treatment for all people in relation to the employment of staff and access to services .
- Ensure that all staff and Board of Management members are aware of the Association's commitment to, and obligations in relation to, equality and human rights.
- Be mindful of its equality's commitments in relation to the procurement of contractors/consultants.
- Consider the 9 characteristics when reviewing requests for adaptations to properties.
- 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.

6. Positive Action

6.1 The Equality Act 210 outlines two types of positive action which, in certain circumstances, are permissible:

- **General**
  If the Association believes that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, then action may be taken to help overcome the disadvantage or address the needs. The Act points out that any action should be proportionate.

- **Recruitment and Promotion**
  An example could be addressing imbalances in the workforce by encouraging members of underrepresented groups to apply for jobs. 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.

7. Equality Impact Assessment

7.1 An Equality Impact Assessment (EIA) tool has been prepared to ensure EIAs are carried out when introducing new or reviewing existing policies. In line with good practice the completed EIA will be published alongside the policy to which it relates.

7.2 The EIA will be accompanied by guidance for staff on how to use the tool, and any staff member using the tool for the first time will receive training and be supported by their Team Leader.

7.3 Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted to ensure they are addressed.

8. Risk Management

8.1 The Association recognises the potential risks should we fail to adhere to the Equality and Human Rights Policy and/or the accompanying Action Plans. In order to combat this, Section 15 of this policy outlines the method of investigation that would be adopted should any allegation of a breach be made.

9. Communications in Alternative Formats

9.1 One of the ways in which people can be indirectly discriminated against is by

information sometimes being inaccessible. For example, a visually impaired customer may not be able to read the allocations policy in the print size usually available. Similarly, someone whose first language is not English may not be able to communicate effectively with staff.

9.2 To help deal with this, the Association will provide information to customers in different formats as requested. Different formats may include:

- Large print.
- USB stick.
- Translations into community languages.
- Use of language or sign interpreters/other preferred methods for those hard of hearing.
- Braille.

We note that it is not practical to have all possible formats available immediately upon request. 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 ten working days. All reasonable costs in relation to this will be borne by the Association.

9.3 During the development of this Policy, we have considered RNIB guidance which advises the minimum font size should be 12 point. This will be the minimum font size for our publications; however, publications can be made available in larger font sizes upon request.

10. Publicising Our Equality and Human Rights Policy

10.1 We will publicise this Policy in the following ways:

- The Policy will be available on our website
- All employees, and contractors will be notified of the existence of our Policy and will be asked to familiarise themselves with it within 5 working days of the Policy being approved by the Board of Management(or within five working days of returning to work for anyone who has been absent when the policy is reviewed by the Management Committee).
- Copies of the Policy will automatically be provided for successful job applicants within their Induction pack and to contractors and suppliers as part of their appointment process.
- Board of Management members and staff will continue to receive on-going equality and human rights training. All Board of Management members and staff will be

encouraged to keep up to date with developments in the area of good practice in equality and human rights.

11. Target Setting

11.1 Whilst embracing the principles of equality and human rights is something that the Association takes very seriously, it is nonetheless important that there is a system in place to demonstrate that we actually achieve our objectives.

11.2 Action plans and/or targets will be set globally, within individual departments KPI's or with individual officers depending on which is the most appropriate. What is crucial, however, is that these are realistic and achievable for the Association.

12. Identifying Problems and Taking Remedial Action

12.1 It is not possible to be prescriptive about how the Association should identify problems and take appropriate action in this Policy statement as there are too many potential outcomes.

- We will capture ideas and suggestions for improvement from staff members, the Board of Management and through feedback from tenants and service users. We will base improvements both on our own data and additional guidance for the housing sector and examples of good practice.

12.2 The Association will do all that is possible and reasonable to ensure that equality and human rights targets are met.

12.3 The Association will respond promptly to any complaints and treat complaints involving discrimination, harassment, or victimisation very seriously, and ensure such complaints are tackled in within agreed targets.

12.4 Complaints are monitored and reported to the Board of Management quarterly. In addition, the Association will ensure that the complaints' report separates general complaints from those related to equality and human rights issues.

13. Dissemination of Targets and Performance

13.1 The Board of Management will consider an annual report on equality and human rights at its April or May meeting.

13.2 Our performance will be summarised in the "Annual Statement on Equality and Human Rights". This will be distributed to all tenants and members within our

newsletter and posted on the website.

14. Breaches of The Equality and Human Rights Policy

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

14.2 The Association's disciplinary procedures for staff and Code of Conduct for the Board of Management will be followed as appropriate.

14.3 If the allegation is against a resident of the Association's property, the CEO We will investigate these matters in keeping with our Unacceptable Behaviour Policy.

14.4 In breaches of this policy by consultants, contractors, or service providers, we will consider the level of breach and any recurrence to inform our decision on whether to terminate the contract.

15. Policy Review

15.1 The Equality and Human Rights Policy will be reviewed every three years by the Management Committee.

15.2 As an operational document, the Equality and Human Rights Action Plan will be reviewed by the Board of Management annually

16. Data Protection

16.1 We will treat personal data in line with our obligations under the current data protection regulations and our Data Protection Policy. Information regarding how data will be used and the basis for processing data is provided in our Employee, Customer, Shareholder and Board of Management Fair Processing Notices