



OAK TREE HOUSING ASSOCIATION

Equal Opportunity and Diversity Policy

Adopted August 2015 Last Reviewed May 2022

Next Review Due May 2025

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Section 1: Background

1.1. Organisational strategy and equal opportunities

Oak Tree Housing Association Limited has established a comprehensive equality strategy that it uses to promote its equal opportunity policy principles. This strategy is part of organisational governance and is central to promoting business ethical values, as well as social justice commitments.

Our equality and diversity policy is part of our equality strategy and describes the policy principles that we use regulate all of our services, including employment and housing services. This process is known as mainstreaming of equal opportunity into practice.

Note: Oak Tree Housing Association Limited is referred to generally as “we” in this document; the equal opportunity and diversity policy is referred to mainly as “the policy.”

1.2. Policy structure

The policy contains **ten** sections that are summarised below.

Section 1 has described how the policy is part of organisational governance and is used to promote equality objectives throughout all services.

Section 2 explains the legal and guidance framework that underpins our organisational activities.

Section 3 describes our policy principles that we incorporate throughout all of our services.

Section 4 describes how we implement our main equality commitments into practice.

Section 5 explains how we monitor organisational performance through our equality performance indicators.

Section 6 sets out our training and development commitments, including a summary of the diverse range of equality training that we consider.

Section 7 describes positive action and how this is used to promote equal objectives for a range of groups.

Section 8 explains how we consult on the policy through our tenant participation strategy.

Section 9 describes how we deal with complaints regarding this policy.

Section 10 sets out how we review the policy.

Note: The policy is written in sections to enable changes to be made easily as law, regulatory standards and related guidance develop.

Section 2: The legal and regulatory framework

Section 2 describes legal and regulatory provisions that are central to equality strategy and meeting strategic objectives. It is not intended as a precise statement of all relevant law, but provides a plain language summary of key issues only.

Section 2 now explains two issues of particular relevance, namely the protected characteristics and the Public Sector Equality Duty.

This is followed by a summary of the regulatory framework.

2.1. The Equality Act 2010 and the protected characteristics

The Equality Act 2010 is the main Act covering equality issues, although other legislation is also relevant (see Appendix 1).¹

The Act sets out the “protected characteristics” in respect of which discrimination, harassment or victimisation is unlawful.² Protected characteristics were formerly referred to in law as “grounds.”

In alphabetical order, these protected characteristics are:

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

Note: In this policy, we also take account of discrimination that can arise in respect of other grounds such as social class and personal attributes.

¹ See, for example, the Scotland Act 1998 and the Housing (Scotland) Act 2010.

² Unlawful discrimination takes different forms in law and matter is dealt with as part of staff training.

2.2. The Public Sector Equality Duty

The Equality Act 2010 also contains a legal duty called the Public Sector Equality Duty which applies to designated public authorities.³ We take this duty into account when delivering public services.

This Duty requires designated public authorities to:

- eliminate unlawful discrimination;
- advance equality of opportunity between people with – and those without - a relevant protected characteristic; and
- foster good relations between people with – and those without- a relevant protected characteristic.

Importantly, this Duty requires us, not simply to address unlawful discrimination, but to take steps to promote equal opportunity objectives. The Duty is, therefore, proactive in nature.

2.3. The Scotland Act 1998⁴

The Scotland Act 1998 defines equal opportunities in Scotland. The statutory definition is:

“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).

Apart from providing a statutory definition of equal opportunities, this Act is also important as it covers other grounds than the protected characteristics. For instance, social origin and personal attributes are both included within the statutory definition. As a result, we include these issues within our equality strategy and organisational procedures.

³ Other duties apply to designated public authorities such as the Specific Duties.

⁴ Just as the Equality Act 2010, this Act has been amended.

2.4. Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010 requires social housing landlords in Scotland to “act in a manner to encourage equal opportunities.”⁵

This provision includes all equality related law and is thus central to the equality mainstreaming process.

2.5. The regulatory framework

Within the Scottish Housing Regulatory framework (SHR, 2019), Standard 5.3. reflects the ethos of the statutory duty.

In line with this Standard, we must: “pay due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance” (page 14).

As part of the regulatory framework, we must also:

“... collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waiting lists, governing body members and staff. Local authorities must also collect data on protected characteristics for people who apply to them as homeless. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these customers” (page 8).⁶

The Scottish Social Housing Charter

The Scottish Social Housing Charter, for instance, requires us to implement 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” (that is, equality legislation), should achieve for all tenants and other customers regardless of age, disability, gender re-assignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation. It includes landlords’ responsibility for finding ways of

⁵ See, for instance, the Housing (Scotland) Act 2010, section 39.

⁶ We must also consider equality and human rights issues when making decisions, in designing and reviewing internal and external policies, as well as routine service delivery.

understanding the different needs of different customers and delivering services that recognise and meet these needs”

(Scottish Social Housing Charter, 2017).

2.6. Other guidance

The Equality and Human Rights Commission issues codes of practice that apply to both employment and services. These include statutory and non-statutory codes.

Other guidance is issued by bodies such as the Chartered Institute of Housing and the Scottish Federation of Housing Associations. We take account of this guidance when developing our policies and procedures.

2.7. Summary

Equality law is comprehensive and is supported, in practice, by regulatory provisions, as well as a diverse range of guidance. We take account of this framework when developing our services and have established our equality policy to promote law and good practice. Our equality objectives are now explained in Section 3.

Section 3: Our policy principles

3.1. Policy principles

Our policy principles describe the core issues that we incorporate throughout all of our services, including employment practices. These cover ten main issues.

Law and good practice guidance

We implement all relevant law and good practice, as required, throughout organisational services; this is done to address unlawful discrimination and to promote equal opportunity objectives.

Equality action plan

We use a detailed equality action plan to mainstream equality commitments throughout our services; this action plan is updated on an ongoing basis.

Equality data

We collect equality data to provide appropriate services to our employees, Management Committee Members, tenants and other service users; all information is processed in line with the Data Protection Act 2018 and the UK GDPR.

Organisational policies and procedures

We assess organisational policies and procedures so that they promote equality law and good practice guidance; this is known as conducting an equality impact assessment.

Accessible information

We publish information in line with a range of standards so that information is accessible to the needs of individual people, whenever possible.

Partnership working

We work in partnership with various organisations to promote our equality objectives; this covers organisations in Inverclyde as well as organisations throughout Scotland.

We monitor service delivery through our internal performance management system; this information enables us to amend and improve practices, as required.

Organisational training and development

We deliver a range of equality training to address the different training needs of our staff and Management Committee Members; this training is linked to our staff development review process.

Positive action

We establish positive action programmes, in line with law and good practice guidance, to promote equal opportunity objectives; these may cover training and employment programmes.

Policy review

We review this policy every three years, or earlier if required, due to changes in law or relevant guidance; we do this in consultation with staff, tenants and other service users through our Tenant Participation Strategy.

3.2. Summary

This section is the most important policy section as the equality principles represent key organisational issues that are fundamental to the equality mainstreaming process. We use our equality action plan and its diverse range of actions to implement these principles into practice.

Section 4: Implementing our equal opportunity policy principles

This section explains how we incorporate equality policy principles throughout all organisational services.

This is done by reference to:

- organisational culture;
- equality action plan; and
- supporting policies.

4.1. Organisational culture

Culture is not a separate thing, but refers to the values that we promote as an organisation. For example, we treat staff, tenants and other service users with respect and dignity. Again, we recognise that people may have different needs and it is important to address those needs, as appropriate.

4.2. Equality action plan

Our equality action plan is the document that we use to implement our equality principles. The action plan contains all of the activities that we carry out so that all organisational policies and practices incorporate equality commitments. For example, our employment policies and procedures incorporate equality related issues so that they meet equality law and related good practice guidance.

We set time scales for implementing these activities in the equality action plan and activities are progressed over varying time scales. Indeed, certain activities are ongoing such as gathering equality data. This is vital since equality data changes regularly through time as needs of staff, tenants and other service users change.

4.3. Supporting procedures

We have established other supporting equality procedures that are relevant to meeting our equality principles. These procedures are as follows:

- the equality impact assessment;
- the equality data collection procedure;
- the harassment procedure; and

- the using appropriate language procedural guide.

The equality impact assessment procedure is of particular importance. This policy is used to assess the effects of our organisational policies and procedures in meeting the Public Sector Equality Duty explained above

4.4. Summary

We use an equality action plan to implement our equality policy principles effectively into practice. Our equality strategy is supported by a range of specific equality procedures, including an equality impact assessment procedure. The main aim of this approach is to develop an organisational culture that is supportive of social justice and promotes equal opportunity in practice.

Section 5: Staff training and development

5.1. Context

Staff training and development is vital if organisational commitments are to be met in practice. Quality training programmes are essential to enable:

- employees to understand and implement our equality policy principles; and
- Management Committee Members to develop and monitor the implementation of the equal opportunity policy.

5.2. Equality training

Equality training can vary considerably in terms of its content and purpose. We assess, therefore, the needs of staff and Management Committee Members in order to deliver appropriate equality training. In particular, we link training to the specific roles of staff and Management Committee Members.

Examples of equality training programmes that we provide include:

- induction training, for example, for new staff;
- attitudinal training to promote our organisational cultural values;
- training on the equality policy, the action plan and our other equality procedures;
- equality law and relevant guidance, including relevant models promoted by the Equality and Human Rights Commission such as the social model of disability;
- consciousness raising, for instance, providing staff with information about different forms of discrimination and harassment; and
- performance management training for Management Committee Members.

Note: Management Committee Members' training is linked to their role that includes making policy and reviewing the effects of policy in practice.

5.3. Summary

Our equality training programme is based on a detailed training need assessment that takes account of the roles of staff and Management Committee Members.

Section 6: Performance monitoring

6.1. Reasons for monitoring performance

We monitor performance for several reasons. Firstly, we use equality data that we gather to meet our legal duties relating to addressing unlawful discrimination and also promoting and advancing equality objectives.

Secondly, we monitor performance to assess how well we are implementing our equality objectives. This also enables us to assess our standards of performance and to take steps to improve performance, as required.

6.2. Methods of performance management

We monitor our services continually in respect of both employment and housing services. We do this through various methods as follows:

- gathering performance indicators as part of the Scottish Social Housing Charter (see Appendix 1);
- including specific equality performance indicators throughout organisational policies and procedures; and
- taking into account the views of our staff, tenants and other service users about equality issues, for example, the quality of our services.

6.3. Types of performance management

In order to evaluate our services comprehensively, we have established quantitative and qualitative equality indicators.

Quantitative indicators

These indicators cover monitoring of “**numbers**” of things, for example, numbers of staff by reference to the protected characteristics. For example, this could include monitoring staff who are:

- disabled or non-disabled;
- women or men; and
- from minority ethnic backgrounds.

Qualitative indicators

These indicators are related to the **quality** of our services and measured against specific equality standards. For instance, we monitor things such as:

- the accuracy of our policies and procedures;
- the clarity of public information that we provide such as meeting recognised plain language standards;⁷ or
- the quality of advice and information that we give to tenants.

6.4. Summary

We monitor organisational performance through a range of quantitative and qualitative performance indicators. We use data gathered and evidence collected to evaluate and improve our performance.

⁷ This includes standards of plain language recommended by the Plain English Campaign.

Section 7: Positive action

7.1. Positive action explained

Positive action is promoted within the Equality Act 2010, as well as by related equality guidance. Positive action is used to address discrimination against certain groups that has occurred historically. This is quite different from positive discrimination that is, in general, unlawful. Positive discrimination would arise if someone is given preference, say, when selecting job applicants because of a relevant protected characteristic.

Positive action, on the other hand, is concerned with promoting access to employment and training opportunities for people who have been under-represented in employment historically such as women or disabled people.

By promoting positive action, we encourage people to apply for jobs in areas in which they have been traditionally under-represented. For example, positive action could involve encouraging women to apply for jobs traditionally done by men such as trade jobs in the building industry.

Note: We also apply this principle to services that we provide.

7.2. Our positive action initiatives

We implement various positive action initiatives across our services; and we consider new initiatives continually. Examples of positive action training programmes that we have established include traineeships for:

- people from minority ethnic groups (through Path (Scotland); and
- disabled people (through the Glasgow Centre for Inclusive Living).

7.3. Summary

We support positive action programmes to address locally identified needs and address barriers to training and employment that are affecting adversely certain groups.

Section 8: Tenant participation

8.1. Consultation arrangements

We have established a tenant participation strategy that explains how we consult with tenants and other service users. For example, this strategy explains how we consult with individual tenants and other service users on our policies, organisational standards and so on.

8.2. Consultation on our equal opportunity policy

As a key strategic policy that is likely to impact on tenants and other service users, we consult with tenants and other service users on our equality policy principles, as well as our monitoring practices. This is done as part of our general policy review procedures as outlined below.

8.3. Summary

We promote tenant participation as part of our organisational strategy; this includes involving tenants and other service users in consultation about core equality policy commitments.

Section 9: Complaints

We deal with complaints through our organisational complaint handling procedure. This procedure follows the framework developed by the Scottish Public Services Ombudsman. We provide all of our tenants with information on how to complain when signing their tenancy agreements. This information is also provided to other service users such as people registered on the common housing register.

If tenants and other service users are dissatisfied with how we are implementing the equality policy, we advise them of their rights to lodge a complaint.

Section 10: Reviewing policy

We review our policies on an ongoing basis. In general, we review our equality policy every **three** years or earlier, as appropriate. For instance, we may review this policy if changes to equality law or good practice guidance occur.

Appendices

Appendix 1: Law and guidance

Appendix 2: Recent developments in Scotland

Appendix 1: Law and guidance

The main Act that regulates our equality policies and service delivery is the **Equality Act 2010**. This Act covers an array of issues including:

- defining discrimination, harassment and victimisation;
- the rights of individuals to be protected from unlawful discrimination;
- the public sector equality duty; and
- remedies available to individuals seeking redress.

As well as the Equality Act 2010, we also take into account other laws that are relevant to equal opportunity matters.

Examples are noted below; this list is not definitive and summarises some key laws. Specialist equality law concerning specific fields such as education, mental health, transport and parking are not included.

Housing law (public sector)

Housing (Scotland) Act 2010

Other law relating to equality matters

Offences (Aggravation by Prejudice) (Scotland) Act 2009

Equality Act 2006

Human Rights Act 1998

Scotland Act 1998

Protection from Harassment Act 1997

Data protection

The UK General Data Protection Regulation

The Data Protection Act 2018

Family law

The Gender Recognition Reform (Scotland) Bill 2022 repeals sections 1 to 8 of the Gender Recognition Act 2004. These changes deal with grounds and procedures for applying for Gender Recognition Certificates. Key changes include: the applicant requiring to produce medical reports with their application; a reduction in the minimum age from eighteen to sixteen years; applications being made to the Registrar General for Scotland; and a reduction in the period for which an applicant must have lived in their acquired gender before submitting an application from two years to three months.

Please note that the EHRC has a specific position on this Bill with more information available on their website.

Marriage and Civil Partnership (Scotland) Act 2014

Domestic Abuse (Scotland) Act 2011

Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

Family Law (Scotland) Act 2006

Civil Partnership Act 2004

Protection from Abuse (Scotland) Act 2001

Matrimonial Homes (Family Protection) (Scotland) Act 1981

Good practice guidance

Good practice guidance is varied and we hold information internally as this is published.

Note

We also take account of the various statutory and non-statutory codes that are produced by the Equality and Human Rights Commission. For example, the Codes of Practice on Employment, Services and Equal Pay.

Appendix 2

Recent developments in Scotland

Legal developments

Since the Equality Act 2010, there have been a range of developments including changes to equality law itself. Some of these changes are as follows:

The first part of the Equality Act 2010 that was intended to address economic disadvantage has now come into Scots law through Scottish secondary legislation that became effective from 1 April 2018.⁸ This requires public bodies to address socio-economic inequalities.

Statutory guides

The Equality and Human Rights Commission has published a number of guides that local authorities must take into account as part of decision making processes. These are the Codes of Practice on:

- Equal Pay;
- Employment;
- Services, Public Functions and Associations.

Non-statutory guidance issued by the Equality and Human Rights Commission on the Public Sector Equality Duty

A number of new guidance has been introduced since 2010.

These guides provide an overview of the public sector equality duty, including the general equality duty, the specific duties and who they apply to. They cover what public authorities should do to meet the duty, including steps that are legally required, as well as recommended actions.

⁸ See SSI 2017 No. 403 that introduces the statutory provisions relating to the public sector equality duty to address socio-economic inequalities contained in the Equality Act 2010, Part 1. This is referred to as the “Fairer Scotland Duty and applies to Scottish local authorities.

Examples of these guides are:

- Essential guide to the Public Sector Equality Duty;
- Mainstreaming the equality duty: a guide for public authorities;
- Employee information and the Public Sector Equality Duty;
- How to improve Management Committee diversity - six step guide to good practice;
- Equality outcomes and the Public Sector Equality Duty;
- Equality outcomes self-assessment toolkit;
- Evidence and the Public Sector Equality Duty: a guide for public authorities;
- Involvement and the Public Sector Equality Duty;
- Assessing impact and the Public Sector Equality Duty;
- Making fair financial decisions: a guide for decision makers in Scotland;
- Procurement guidance; and
- Guidance for Councillors and Elected Members.