



## **Equality, Diversity and Inclusion (EDI)**

We can produce this document on different formats such as in larger print or audio-format; we can also translate the document into various languages, as appropriate

Adopted	August 2015	Last Reviewed	May 2025
Next Review Due	May 2028		

## **1.0 Introduction**

Oak Tree Housing Association (OTHA) is committed to encouraging equality, diversity and inclusion among our workforce while eliminating unlawful discrimination throughout the organisation.

The Association will make sure individuals are treated fairly and given fair chances. OTHA recognises that different needs may have to be met in different ways, therefore not all individuals will be treated in the same way. Individual differences will be valued and backgrounds of different people, their skills, attitudes, experiences and views will be recognised and embraced.

OTHA will strive to create an environment where everyone feels safe, welcomed and genuinely valued. This involves making everyone feel like they belong and can fully participate in decision-making processes which affect them. Fostering an inclusive culture helps each of us to benefit from a wider range of different perspectives, experiences and skills. We believe that this creates a happier, more productive working environment for us all.

OTHA have established a comprehensive equality strategy that is part of organisational governance and is central to promoting business ethical values, as well as social justice commitments. Our EDI policy is part of our that strategy and describes the principles that we use regulate our employment and housing services.

## **2.0 Implementation of the policy**

The CEO, Executive Management Team, Senior HR Officer and Senior Compliance and Governance Officer are responsible for the implementation of this policy.

The Management Committee is responsible for approving the policy and monitoring its effectiveness by way of an annual report, and periodic reports on the delivery of action plan aims.

All Committee Members are required to be aware of our commitment to Equality and must comply with this policy in carrying out their duties

### **3.0 Definitions**

<b>Term</b>	<b>Definition</b>
<b>Equality</b>	Making sure individuals are treated fairly and given fair chances. It is not about treating everyone in the same way but recognising that different needs may have to be met in different ways.
<b>Diversity</b>	Valuing and managing individual differences. It is recognising and embracing the backgrounds of different people, their skills, attitudes, experiences and being open to them bringing fresh ideas and views that will enhance the organisation.
<b>Inclusion</b>	Creating an environment where everyone feels safe, welcomed and genuinely valued. This involves making everyone feel like they belong and the ability to fully participate in the decision-making processes which affect them.
<b>Equity</b>	Recognising that individuals have unique needs and challenges which must be met in different ways.
<b>Protected Characteristics</b>	The legal grounds in which discrimination claims can be made. These include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
<b>Direct Discrimination</b>	Treating someone less favourably than another person based on a protected characteristic.
<b>Indirect Discrimination</b>	A policy, practice, procedure, provision or criteria that applies to everyone in the same way but might

	disadvantage a particular protected group, and which cannot be objectively justified in relation to the job.
<b>Harassment</b>	Unwanted behaviour related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. OTHA will extend this definition to include any harassment and will not be restricted to those identified as having a protected characteristic.
<b>Sexual Harassment</b>	Unwanted behaviour of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for someone.
<b>Victimisation</b>	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.
<b>Associated Discrimination</b>	Discrimination against a person because they have an association with someone with a particular protected characteristic. E.g. a non-disabled person is discriminated against because they care for a disabled dependent.
<b>Unconscious Bias</b>	The way a person thinks depending on their life experiences can result in beliefs and views about others that are not reasonable or have no foundation and may be discriminatory.

## **4.0 Legal and Regulatory Framework**

**4.1 The Equality Act 2010** - The Equality Act 2010 was introduced to combine multiple pieces of discrimination legislation into one single Act. This provided a legal framework to promote the right of individuals and provide protection from unfair treatment, ensuring everyone is treated fairly and with dignity and respect.

The Equality Act 2010 prohibits discrimination and ensures fairness for employees, workers, contractors, self-employed people, job applicants and former employees. Under the Act there are nine protected characteristics. OTHA will aim to ensure that all employees are treated with fairness and respect and will not be discriminated on the grounds of the following protected characteristics:

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion or belief
8. Sex
9. Sexual orientation

## **4.2 Worker Protection (Amendment of Equality Act 2010) Act 2024–**

Provides a duty on the employer to protect employees from sexual harassment. This new duty requires employers to take reasonable steps to prevent sexual harassment. A pro-active approach to prevention.

To comply with this duty OTHA has adopted an Anti-Harassment Policy based on the EVH model and will develop a relevant risk assessment action plan to protect its staff.

**4.3 Public Interest Disclosure Act 1998** - This Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

**4.4 Human Rights Act 1998** – This Act defines the fundamental rights and freedoms which everyone in the UK is entitled to.

The association is aware that the Scottish Government is current consulting with various groups to inform the development of a Human Rights Act to incorporate Human Rights into Scottish Legislation and OTHA will take account of any legislative changes as they occur.

**4.5 Health and Safety at Work Act 1974** – This Act sets out the framework for managing workplace health and safety in the UK.

**4.6 Housing (Scotland) Act 2010** - The Housing (Scotland) Act 2010 requires social housing landlords in Scotland to “act in a manner to encourage equal opportunities.” This provision includes all equality related law and is thus central to the equality mainstreaming process

**4.7 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. 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.

Importantly, this Duty requires us, not simply to address unlawful discrimination, but to be pro-active in taking steps to promote equal opportunity objectives.

**4.8 Scottish Housing Regulatory (SHR) Framework 2019** – This Framework sets out how the SHR regulate both Registered Social Landlords (RSLs) and the housing and homelessness services provided by local authorities.

**4.9 The Scottish Social Housing Charter** – Came into force in 2012 and sets out the standards and outcomes that all social landlords in Scotland should aim to achieve in their housing activities. It aims to ensure that tenants receive high quality housing and support.

**4.10 Other** - 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.

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.

## **5.0 Policy Principles**

The EDI policy aims to:

- Integrate equality, diversity and inclusion practices into all aspects of our work.
- Treat everyone with fairness, dignity and respect.
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all and where individual differences and contributions of all staff are recognised and valued.
- Promote proactive and preventative measures to support positive and respectful working relationships.
- Deliver Training and Awareness Sessions to our staff and committee.
- Ensure fair employment practices are implemented and that no job applicant, employee, worker, contractor, self-employed person or former employee will receive less favourable treatment on any grounds.
- Ensure individuals are recruited and employed solely based on their own merit, experience, ability and potential. This applies throughout

the entire duration of employment (apart from in any necessary and limited exemptions permitted under the Equality Act 2010)

- Provide a comprehensive process for complaints to be properly managed.
- Implement a detailed equality action plan to mainstream equality commitments throughout our services. This action plan is updated on an ongoing basis.
- 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, and takes account of the Scottish Housing Regulator's "Collecting Equality information: National Guidance for Scottish Social Landlords" (revised April 2022).
- Establish positive action programmes, in line with law and good practice guidance, to promote equal opportunity objectives.
- Assess organisational policies and procedures so that they promote equality law and good practice guidance; this is known as conducting an equality impact assessment.\*
- Publish information in line with a range of standards so that information is accessible to the needs of individual people, whenever possible.
- Work in partnership with various organisations to promote our equality objectives; this covers organisations in Inverclyde as well as organisations throughout Scotland.
- Monitor service delivery through our internal performance management system; this information enables us to amend and improve practices, as required

\* Equality Impact Assessments are carried out whenever a policy is reviewed or a new policy is developed, and these are submitted to the committee for approval alongside the relevant policy.

## **6.0 OTHA commitment to you**

OTHA believes that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.



We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

OTHA ensures that our recruitment, promotion and retention procedures do not treat people less favourably because of their:

- Disability.
- Gender, gender identity or gender reassignment status.
- Marital status.
- Race, racial group, ethnic or national origin, or nationality.
- Religion or belief.
- Sexual orientation.
- Age.
- Civil partnership status.
- Pregnancy or maternity.
- Paternity.
- Educational background.
- Socio-economic background.
- Caring responsibilities.
- Part-time status or fixed-term status.

## **7.0 Your commitment to OTHA**

OTHA expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Our culture is made in the day-to-day working interactions between us so creating the right environment is a responsibility that we all share.

Cultivating this culture does not happen by accident but requires ongoing commitment and nurturing. The reality is that we live in a world where areas of difference (whether gender, sexual orientation, ethnicity or others) often translate to biases, challenges and barriers that may not be faced by others.

We expect you to treat your colleagues and third parties (including customers, suppliers, contractors, agency staff and consultants) fairly and with dignity, trust and respect. Sometimes, this may mean allowing for different views and viewpoints and making space for others to contribute. By embedding such values and constructively challenging inappropriate comments or ways of working, you can help us achieve and maintain a truly inclusive workplace culture.

Any dealings that you have with colleagues or third parties must be free from any form of discrimination, harassment, victimisation or bullying. You should be aware that you can be personally liable for discrimination and harassment.

## **8.0 Roles and Responsibilities**

### **8.1 Employers are responsible for:**

- Having a meaningful EDI policy and making this available to all.
- Providing all employees with equality of opportunity in the course of their employment.
- Providing training for all employees in respect of the expectations set out in this policy, issuing updates to the policy and providing refresher training when necessary.
- Making sure anyone involved at any stage of the recruitment and selection process receive equality, diversity and inclusion training.
- Creating an environment where everyone feels safe, welcomed and genuinely valued. This involves making everyone feel like they belong and the ability to fully participate in the decision-making processes which affect them.
- Addressing any issues which breach this policy by investigating them and taking appropriate action.

### **8.2 All employees are responsible for:**

- Abiding by this policy and understanding that they can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination in the course of their employment. This could be against other employees, customers, members of the public, governing body members, contractors and other stakeholders
- Taking personal responsibility to act in line, observe and uphold OTHA Code of Conduct.
- Attending equality, diversity and inclusion training as and when required by OTHA.
- Contributing to an environment where everyone feels safe, welcomed and genuinely valued.

- Making everyone feel like they belong and respecting their right to fully participate in decision-making processes.
- Bringing any breaches of this policy to the attention of your line manager.

It is important to note that the key principles of this policy also apply to Oaktree's committee members.

### **8.3 Managers and Leadership**

Anyone responsible for leading, managing or supervising people have additional responsibilities to make sure:

- They understand their own and the organisational responsibilities in relation to equality, diversity and inclusion in the workplace.
- They are familiar with content of this policy and communicate to the relevant people.
- They act as a role model and promote a positive workplace culture.
- Challenge unacceptable or questionable behaviour they become aware of.
- Make sure any breaches or complaints relating to this policy are responded to quickly, sensitively, confidentially and investigated in line with policy.

### **9.0 Performance monitoring**

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 promoting and advancing equality objectives.

#### **Data Collection**

We collect equalities data on some protected characteristics based on their relevance to promoting equality, meeting legal obligations, and addressing specific inequalities. Characteristics such as race, gender, age, disability, and religion are often prioritised because they are closely linked to underrepresentation in areas like employment, education, and service provision.

Data collection in these areas enables us to identify barriers, monitor progress, and implement targeted positive action. However, other characteristics, like marriage/civil partnership or pregnancy, may not be routinely collected unless directly relevant to OTHA's goals or legal requirements. This approach provides a balance between the need for meaningful data collection, respecting privacy and ensuring that any data gathered can help drive positive change.

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.

In line with The Scottish Housing Regulator's: "Collecting Equality information: National Guidance for Scottish Social Landlords" (revised April 2022) OTHA gathers Equalities Data from a number of groups including committee members, staff, tenants, etc.

OTHA's committee decided to gather this information, but will periodically review this decision and if it decides linking information to individuals would be more beneficial to the association then our approach to data collection would be amended.

## **9.2 Methods**

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.
- Including specific equality performance indicators throughout organisational policies and procedures.
- Consider the views of our staff, tenants and other service users about equality issues, for example, the quality of our services.

## **10.0 Positive action**

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 were 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.

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.

OTHA support positive action initiatives and are keen to seek partnerships, to support positive action programmes to address locally identified needs and address barriers to training and employment that are affecting adversely certain groups.

## **11.0 Tenant participation**

### **11.1 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.

### **11.2 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.

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.

## **12.0 Customer 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 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.

In accordance, with its complaints policy and Scottish Public Sector Ombudsman guidelines, OHTA publishes its annual complaints report on its website and makes this report available to customers on request. The report highlights any complaints which involve equality issues for clarity, and to allow equalities performance to be improved.

In addition, the committee receive quarterly complaints reports , which separate complaints related to equality issues from general complaints. This report is also published on the OTHA website as good practice, and not as a SPSO requirement.

### **13.0 Breaches of the EDI Policy – Staff**

Unacceptable behaviour and practices will not be tolerated. If or when a situation arises, it will be dealt with immediately, as inaction is not an option. Behaviours found to be breaching this policy will be regarded as misconduct and will be dealt with appropriately. This procedure is complemented by OTHA Discipline and Grievance, Anti-Harassment and Dignity at Work Policies. Serious cases may be regarded as gross misconduct and may result in action up to and including dismissal.

Where an employee feels that they have been discriminated against, victimised or harassed by another employee, not been treated with dignity and respect at work, there are several ways in which this can be addressed.

Similar principles apply to committee members and will be addressed through their code of conduct and procedures for investigating and dealing with breaches to the code.

### **13.1 The Informal stage**

Where possible, breaches of this policy should be dealt with informally in the first instance. In many cases inappropriate behaviours are unintentional and can easily be resolved once the behaviour has been highlighted. This is often the most efficient way to maintain positive working relations.

In managing the issue informally employees should:

1. In the first instance alert their line manager to the behaviour.
2. Thereafter, the employee should be encouraged by the line manager and with their support approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the line manager should approach the individual and have the same discussion.
3. A note should then be retained on the personal file of the person who has displayed the inappropriate behaviour and the individual that raised the issue for a maximum of 6 months.

### **13.2 The Formal Stage**

If the behaviour is of a more serious nature or it continues after the informal approach has been taken, then the issue should be dealt with by mirroring OTHA grievance procedure.

- The employee must put their concerns in writing and give this to their line manager.
- The line manager (or another manager if the concerns relate to the line manager) should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the manager should establish what the concerns are, and how the employee would like things resolved.
- The manager should then conduct any necessary investigations. No investigation should take place prior to there being a meeting

with the employee.

- Once the investigation has been concluded, there could be a variety of outcomes including but not limited to:
  - There is no evidence to uphold the complaint.
  - There is evidence that may involve action against another employee which will be managed through OTHA disciplinary policy.
  - Learning is identified on an organisational basis.

Where action is taken regarding an employee, agency worker or consultant, the complainant will not be informed of any specific action taken against other individuals.

#### **14.0 Malicious Allegations**

Any person found to be making fictitious or malicious allegations, this will be dealt with through OTHA's disciplinary procedure which may result in action up to and including dismissal.

#### **15.0 Support for those affected or involved**

Employees' wellbeing is of the upmost importance and full internal support while any complaint is being handled and afterwards, will be provided. All employees have access to the OTHA Counselling Service and can discuss in confidence, their own situation. Details of this are provided below.

Rowan Consultancy

**Telephone:** 01738 562 005

**Office Hours:** 9am - 4pm (Weekdays)

#### **16.0 General Data Protection Regulations (GDPR)**

OTHA will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for



processing your data is provided in OTHA's employee fair processing notice. Any information declared, will be recorded in the individuals HR file and treated in strict confidence.

## **17.0 Policy Review**

Review of this policy will be led by the Senior HR Officer and the Senior Compliance and Governance Officer in conjunction with the Executive Management Team. The policy will be reviewed every 3 years and if necessary, in line with legislative updates.

**This policy has been assessed with law, regulatory standards and good practice. This covers all relevant protected characteristics. The policy is therefore likely to have a positive effect in respect of equality issues.**