



Dunbritton Housing Association Limited

Name of Policy	Equality & Diversity
Responsible Officer	Corporate Services Manager
Date approved by Board	14 February 2018
Date of next Review	February 2022
Section	Corporate Services
Reference	G6

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Contents.

Section		Page
1.	Introduction	3
2.	Background	3
3.	Legal Framework	3
4.	Definitions	4 - 5
5.	Policy Principles	5
6.	Implementation of the Policy	6 - 10
7.	Policy Monitoring	10
8.	Equality & Diversity Statement	10

1. Introduction

1.1 Dunbritton Housing Association (DHA) is committed to promoting an environment of respect and understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout DHA there will be a consistent approach in promoting equality and diversity across all areas of the business including the services that we deliver to our tenants, residents and other customers within the community.

1.2 DHA opposes all forms of unlawful discrimination. This policy covers the entire employment relationship from the recruitment process to termination and references and all employees are required to abide by this policy. This Policy also covers discrimination by and towards members of the public, governing body members, contractors and staff from other agencies.

2. Background

2.1 Tackling inequality is not something new. UK Governments have been addressing equality and diversity issues for many years. Although progress has been made, inequalities still exist in Scotland and within the UK.

2.2 As the Government continued to tackle discrimination, promote equality, address inequalities and inconsistencies that were present in the previous discrimination legislation, the Equality Act 2010 was introduced. The introduction of this Act saw previous discrimination legislation abolished and replaced with one single piece of legislation. This policy is compliant with the current legislation and will support DHA in promoting a culture of dignity and respect for all.

2.3 Lack of equal opportunities is not only a serious moral issue but also has a significant impact on business performance. Studies have shown that high levels of motivation are achieved in an environment of respect and fairness. DHA will ensure that all employees are treated with fairness and respect and will not be discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance. DHA will therefore ensure all employees are provided with equality of opportunity in the course of their employment and that people who use or may wish to use our services have equal access to the services that they require.

3. Legal Framework

3.1 The key piece of legislation that encompasses all aspects of equality and diversity and outlaws all forms of discrimination is the Equality Act 2010.

4. Definitions

- Diversity

Is about valuing individual differences, recognising that people have different needs and ensuring that appropriate services are available and delivered.

DHA is committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. We recognise that people, whether staff or residents, from different backgrounds and/or cultures and with different skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit the organisation, its customers and the wider community.

- Equality

Is about ensuring that people are treated fairly and consistently. Equality is not about treating everyone in the same way, but recognising that due to differences their needs are met in different ways.

- Protected Characteristics

The grounds on which discrimination claims can be made: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

- Direct Discrimination

Treating someone less favourably than others based on a protected characteristic.

- Indirect Discrimination

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, role or service provided to customers.

- Harassment

Where a person/s engages in unwanted conduct related to one of the nine protected characteristics and where the conduct has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The intention of the perpetrator is irrelevant, it is the impact on the individual which determines whether harassment has taken place.

- 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 have given evidence in a discrimination complaint raised by another person.

- **Positive Action**

Addressing imbalances in the workforce or the customer profile, by encouraging members of under- represented groups to apply for jobs, housing and/or other services. Positive action may be applicable in setting equality targets.

No quotas will be set by DHA, but equality targets may be set to encourage people from a particular group or groups to apply for a vacancies at DHA.

Quotas mean that people are selected to join an organisation or group simply because of their membership of an under-represented group (e.g. because they are a disabled person) in order to 'make up the numbers'. This is known as positive discrimination, which is unlawful in the UK except in cases where there is a *genuine occupational requirement* or in the case of sex or race a genuine occupational qualification exists.

- **Failure to make Reasonable Adjustments**

Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

- **Associated Discrimination**

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 of the action they need to take care of a disabled dependent.

- **Perceptive Discrimination**

Discrimination against a person because the discriminator thinks the person possesses that characteristic. E.g. a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the correct VISA to work in the UK as they have a foreign looking name on their application form.

- **Employees**

All permanent, temporary and fixed term staff, including agency workers

- **Stakeholders**

Contractors, consultants, tenants, customers, service users, and other outside agency workers

5. Policy Principles

5.1 This Equality and Diversity policy aims to:

Ensure integration with equality and diversity practices into all that DHA does, and ensure that employees and stakeholders are treated with fairness and respect from each other and from members of the public, Board members and contractors.

Require DHA to implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Ensure people are recruited and employees promoted solely on the basis of their own merit, experience, ability and potential. This applies throughout the entire duration of employment as all decisions will be based on only relevant merits. Provide an environment appropriate to the needs of those from all walks of life, and offer a culture that respects and values people's differences and promotes dignity, equality and diversity.

6. Implementation of the Policy

6.1 The Chief Executive Officer (CEO) is responsible for the day-to-day implementation of the policy and all staff and Board members are responsible for applying and abiding by the policy.

DHA will ensure that all new employees and Board members receive briefing on the policy during their induction. The policy will be widely promoted and integrated into all policies and procedures within the organisation. Copies of the policy will also be freely available in the DHA office. Appropriate training and guidance will be available to promote equality and diversity among staff.

This policy applies to everyone in DHA and everyone has a responsibility to be alert to discriminatory behaviours and practices should they occur. Unacceptable behaviour and practices must not occur, however if a situation arises, it will be dealt with immediately. Breaches of the equality and diversity policy will be regarded as misconduct and will lead to disciplinary action which may include dismissal.

Recruitment and Selection

It is the Association's policy that all recruitment decisions will be based completely on the merits and abilities of candidates alone and no other criteria will be used. In order to achieve this, equality and diversity practices will be integrated into every stage of the recruitment and selection process.

A fair recruitment process will remove barriers to the employment of people of different backgrounds. This will enable DHA to recruit from the widest pool of talent, potentially raising the standard of their intake and therefore increasing the opportunity of a more diverse workforce which reflects the community it is serving. A more diverse workforce will improve the organisation's service delivery and enable us to meet the needs and aspirations of existing and potential service users.

To highlight the Association's commitment to promoting equality and diversity from the beginning of the employment relationship, all vacancies will be aimed at as wide a group as possible and any advertisement for a vacancy within DHA will state that an equality and diversity policy is in place and display any signs of equality bodies that DHA is affiliated with. The information contained in the advert and all vacancy literature will be clear and accurate to attract the most appropriate candidates from all groups across society, to allow them to decide their own suitability for the vacancy and whether they wish to proceed with applying. For those that wish to apply the Association will ensure that all applications have clear instructions for completion and application forms will be free from personal questions that are not relevant to the vacancy and that could lead to discrimination.

DHA will ensure all staff and Board members involved at any stage in the recruitment and selection process will receive equality and diversity awareness training with particular emphasis on HR and employment equality related training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unknowingly by asking any questions that could lead to discrimination.

6.2 Terms and Conditions of Employment

As part of the employment relationship being covered under this equality and diversity policy all contracts of employment will be issued in accordance with the job role and not the job holder. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics. Employees will not receive less favourable terms and conditions for any reason other than relating specifically to the job role and the grade it attracts.

6.3 Training and Development

Equality and diversity will apply throughout all training activities and resources. Training and development opportunities will be given to all employees according to their job role. It is crucial that all employees are able to participate and enjoy any training opportunities or activities without discrimination or fear of harassment. Every attempt will be made to ensure learning materials will promote and reinforce a positive image of equality opportunities.

6.2 Redundancy Selection

Redundancy selection will be made according to the statutory requirements and in line with DHA's Redundancy Policy. Criteria will be discussed with the Trade Union and or nominated representatives. The criteria will be set out and will be objectively fair and consistent. This will ensure that employees selected for redundancy are selected according to the agreed selection criteria and not in any discriminatory way either directly or indirectly.

6.6 Complaints: Employees

This procedure is complemented by the organisation's Dignity at Work policy and the Code of Conduct for staff and Board members. For further details please refer to these policies.

Where an employee feels they have been discriminated against, victimised or harassed by another employee including managers, the aim should be to deal with it informally in the first instance.

6.6.1. Informal Stage

An employee should aim to resolve the matter informally as it may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. This is often the most efficient way to deal with such circumstances and helps maintain good working relations.

The employee should raise the issue informally with their line manager (if the complaint is against their manager then the manager next in line.) The manager will speak to the employee whom the complaint is against. If it is found that the behaviour was in breach of this policy, an appropriate level of sanction will be decided in line with the organisation's Disciplinary Procedures.

In addition, a file note of the incident will be kept on the complaining employee's file, including a statement that the note will only be taken into account if there are any further incidents.

Dealing with the matter informally does not remove the complaining employee's right to have the matter dealt with formally.

6.6.2 Formal Stage

If the employee is dissatisfied with the outcome, or the complaint is very serious, they should raise the matter in writing, detailing the complaint to their line manager. The complaint should then be dealt with under the Association's Grievance Policy. In line with this process an investigation into the complaint will be carried out.

Employees who feel they are being subjected to harassment should raise the issue in line with the Association's Dignity at Work Policy and the Grievance Procedures. If the outcome of the investigation is that a formal disciplinary hearing should take place this will be conducted in line with the Association's Disciplinary Procedures. (Please refer to the Disciplinary Procedures for full details)

6.7 Complaints made against employees

6.7.1 Where a complaint is made against an employee by another employee, Board member or stakeholder, it will be investigated and dealt with under the Association's Disciplinary Policy.

6.8 Complaints: Stakeholders

6.8.1 The right to be treated equally with dignity and respect extends to outside contractors, partners, service users, customers and any other agencies that are

associated with DHA. Therefore, stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by and appropriate action will be taken.

6.8.2 If a stakeholder feels that they are being discriminated against in the course of their working day with DHA, the following procedure should be followed.

6.8.3 Informal Stage

Where possible, incidents should be dealt with informally. The stakeholder should report the matter to the Corporate Services Manager (CSM) as soon as possible. It may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted.

The CSM will discuss the situation with the individual whom the complaint is against and explain the expected standards of behaviour and the consequences of failing to comply with these. It will be made clear to the individual that continuation of such conduct may result in being refused access to DHA's premises or services.

6.8.4 Formal Stage

Where informal action is not appropriate or the matter is of a serious nature the complaint will be dealt with using the formal procedure. Where the formal procedure is instigated a thorough investigation will take place in the first instance. Where it is found that the individual has acted in an inappropriate manner, they will be written to officially by the CSM informing them that their comments, actions or behaviours are not acceptable and potentially discriminatory. The letter will state that further incidents will not be tolerated and that this may result in being refused access to DHA's premises, or contact with its customers/employees/Board members. In cases of physical violence or serious threats the CSM will notify the police.

6.8.5 Complaints made by stakeholders

Where stakeholders receive inappropriate treatment from a DHA employee, Board member or another stakeholder in connection with our business, the stakeholder should raise the issue with the Corporate Services Manager (CSM). The CSM will then investigate the complaint and deal with it in accordance with the appropriate procedure (depending whether the complaint is against an employee, a Board member, a contractor, a partner organisation, etc.).

Where the situation involves a DHA employee this could lead to disciplinary action. Any action will be carried out in line with the Association's disciplinary and grievance policy. Regardless of future action a file note will be kept in the complaining employee's file providing details of the incident and any action taken.

If informal action proves insufficient to deal with persistent inappropriate behaviour, the employee or management may instigate formal action.

6.8.6 Complaints: Board Members

Where a Board member feels they have been discriminated against, victimised or harassed, the aim should be to deal with it informally in the first instance.

6.8.7 Informal Stage

If a Board member feels they are subjected to inappropriate behaviour from another Board member, an employee or any stakeholder in connection with the Association, they should raise this immediately with the Chairperson and/or CSM. The Chairperson (supported as required by the CSM) will discuss the issue with whom the complaint is against, explaining the required standards of behaviour and the consequences of failing to comply.

6.8.8 Formal Stage

Where formal action is deemed the most appropriate, a thorough investigation will take place into the complaint. The complaint will then be dealt with in accordance with the appropriate procedure (depending whether the complaint is against an employee, a Board member, a contractor, a partner, etc.). In cases of physical violence or serious threats the CSM will notify the police.

6.8.9 Complaints made against a Board member

Where a complaint is made against a Board member, the complaint will be investigated by the Chairperson or another authorised person(s). If it is found that the inappropriate behaviour occurred, the Board member will be warned and informed of consequences of failure to comply with the expected standards of behaviour, which may include removal from the Board.

7. Policy Monitoring

7.1 Responsibility for monitoring the application of this policy will rest with Corporate Services.

8. Equality & Diversity

8.1 The following Equality and Diversity Statement will be incorporated in all of DHA's policies and supporting Procedures. ***'As a service provider and employer we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide'***.