



# Equality and Diversity Policy

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## **1. About this Policy**

- 1.1 ng homes is committed to promoting an environment of respect and understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. The Association will ensure that there is a consistent approach in promoting equality and diversity across all areas of the business including the services that ng homes deliver to our tenants, residents, and other customers within the community.
- 1.2 ng homes is opposed to all forms of unlawful discrimination. In relation to staff, 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.
- 1.3 The introduction of the Equality Act 2010 replaced previous equality law with one single piece of legislation. The Equality Act 2010 identifies nine protected characteristics: Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual orientation. This policy complies with the current legislation and will support ng homes in promoting a culture of dignity fairness and respect for all.
- 1.4 The Association views this policy as part of a comprehensive Equalities Strategy. In addition to this policy the Association will develop an equalities action plan which will be subject to Board approval and will cover a range of activities, including:
  - equality data collection
  - organisational equality impact assessments
  - training for Board and staff members

## **2. Who does this policy apply to?**

- 2.1 This policy applies across the ng group, and it applies to the Association's tenants and other customers, Board members, contractors, staff from other agencies/partner organisations, members of the public and all stakeholders.

## **3. Who is responsible for the policy?**

- 3.1 The Chief Executive Officer has overall responsibility for the effective operation of this policy. The Chief Executive has delegated responsibility for overseeing its implementation to the Director of Corporate Services.

## **4. Policy Aims**

- 4.1 This Equality and Diversity policy aims to:
  - (a) Ensure integration with equality and diversity practices into all that ng homes does, and ensure that employees, Board members, tenants and other customers and all stakeholders

are treated with fairness and respect from each other and from members of the public, committee members and contractors.

- (b) Supporting homes 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.
- (c) 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.
- (d) Promote a culture and an environment that respects and values people's differences and promotes dignity, equality and diversity.

## **5. Policy Principles**

- 5.1 Supporting homes will ensure that all employees and others covered by this policy are treated equally and will not be discriminated against or disadvantaged by any conditions or requirements which cannot be shown to be lawfully and reasonably justified.
- 5.2 Supporting homes will ensure that 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 they require.
- 5.3 It is recognised that there is a strong relationship between governance, equality policy and data collection. Good governance underpins the effectiveness of a social landlord's delivery of quality homes and services to tenants and other service users. The Association has comprehensive governance policies in place to ensure that we meet the requirements of the SHR's regulatory framework, and the issues of equality and fairness are central to all of our policies.
- 5.4 The policy principles in relation to key aspects of the staff employment relationship are set out below:

### **(a) 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 the Association to recruit from the widest pool of talent, potentially raising the standard of applicants and therefore increasing the opportunity of a

more diverse workforce which reflects the North Glasgow community. A more diverse workforce could positively impact the organisation's service delivery, as it could include staff with more knowledge and experience. This would support the organisation in meeting the needs and aspirations of service users 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 ng homes will state that an equality and diversity policy is in place. In addition, the advert will also display any signs of equality bodies that ng homes 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 potentially lead to discrimination.

ng homes will ensure all staff and Board members involved at any stage in the recruitment and selection process will receive appropriate training with particular emphasis on equality and diversity. This will ensure that those involved in the recruitment and selection process will not discriminate either knowingly or unknowingly by asking any questions which may lead to discrimination.

#### **(b) 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.

#### **(c) 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.

#### **(d) Redundancy Selection**

Redundancy selection will be made according to the statutory requirements and in line with ng homes Redundancy Policy which is part of the EVH Staff Terms and Conditions of Employment. Any criteria will be discussed with the recognised 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 chosen selection criteria and not in any discriminatory way either directly or indirectly.

## **6. Supporting the implementation of the Policy**

- 6.1 ng homes will ensure that all new employees and Board members will receive induction on this policy. 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 ng homes offices.
- 6.2 Appropriate training and guidance will be available to staff and Board members to promote equality and diversity.
- 6.3 As previously stated, this policy applies to everyone in ng homes, therefore 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 could lead to disciplinary action which may include dismissal.

## **7. Equalities Data Collection**

- 7.1 Social landlords in Scotland, both local authorities and registered social landlords, need to implement legal and regulatory requirements relating to equality data collection. These requirements flow from the Equality Act 2010, the Scottish Government's Scottish Social Housing Charter and the regulatory requirements issued by the Scottish Housing Regulator.
- 7.2 In developing our approach to the collection of equality information, the Association will refer to the Guide titled *Collecting Equality Information: National guidance for Scottish social landlords*. This guide was originally produced in August 2021 and revised in April 2022 on behalf of the Scottish Federation of Housing Associations (SFHA), Glasgow and West of Scotland Forum of Housing Associations (GWSF), Association of Local Authority Chief Housing Officers (ALACHO) and the Scottish Housing Regulator (SHR). It provides guidance on collecting equality data and how equality data can be used. In referring to the guidance, we acknowledge that this is advisory and that social landlords have flexibility regarding how they establish and develop their equality data collection methods to ensure they reflect organisational needs and the local context. *The Guide can be accessed at this link:*

<https://www.sfha.co.uk/our-work/policy-category/governance-and-regulation/sub-category/scottish-housing-regulator/policy-article/update-to-equalities-guidance-and-faqs-now-available>

- 7.3 As highlighted in the guidance, the Association understands that data collection is integral to a social landlord's equality strategy and its mainstreaming of equality objectives. Key organisational issues social landlords should consider before developing their data collection procedures are; the relationship between governance, equality policy and data collection, the factors involved in developing an effective equality strategy, and the links between their equality strategy and other organisational strategies and policies.
- 7.4 The Association will refer to the guidance as it is also intended to support social landlords to use equality data to deliver quality services to tenants and other customers, and to use equality data to promote strategies on customer care, equality, and tenant participation.
- 7.5 The Association views this policy as part of a comprehensive equality strategy which will include developing equality data collection procedures. The Association will also include other key documents within the equality strategy including the equality policy and action plan, along with procedural documentation such as the organisational equality impact assessment process.

## **8. Legal Framework**

- 8.1 The specific legislation that relates to this policy is The Equality Act 2010

## **9. Definitions**

- 9.1 The following definitions are provided to support understanding of this policy:

### **(a) Diversity**

Is about valuing individual differences and in doing so recognising that people have different needs and that appropriate services should be available and delivered, as required. ng homes is committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. ng homes recognises that people from different backgrounds and/or cultures, whether staff, Board members, tenants, residents or others, can all bring different skills, attitudes and experiences that can lead to fresh ideas and perceptions that will benefit the organisation, its customers and the wider community.

### **(b) Equality**

Is making sure people are treated fairly and given an equal opportunity. Equality is not about treating everyone in the same way but recognises that due to differences their needs are met in different ways.

**(c) Protected Characteristics**

The grounds on which discrimination claims can be made as detailed in the Equality Act 2010. The Equality Act 2010 focuses on the 'nine protected characteristics' of Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual orientation.

**(d) Direct Discrimination**

Is treating someone less favourably than others based on a protected characteristic.

**(e) 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.

**(f) Harassment**

Where a person/s engages in unwanted conduct related to one of the nine protected characteristics and if 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.

**(g) Victimisation**

Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, have complained about the behaviour of someone harassing them or have given evidence in a discrimination complaint raised by another person.

**(h) 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 ng homes, but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in ng homes in comparison to the local community where they are under-represented.

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 e.g. in the case of sex or race.

**(i) Failure to make Reasonable Adjustments**

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

**(j) 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.

**(k) Perceptive Discrimination**

Discrimination against a person because the discriminator thinks the person possesses that characteristic, e.g. a person is not short listed 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.

**(l) Employees**

All permanent, temporary and fixed term staff, including the Chief Executive, Directors, all managers.

**(m) Stakeholders**

Contractors, consultants, tenants, customers, service users, and other outside agency workers or employees of partner organisations.

**10. Other Related Policies and Procedures**

- Data Protection Policy
- Dignity at Work Policy
- Racial Harassment Policy
- Code of Conduct for Staff
- Code of Conduct for Board Members
- Complaints Policy
- Recruitment Policy
- Discipline and Grievance Procedures
- Allocations Policy
- Customer Care Policy

- Learning, Development and Further Education Policy
- Membership Policy
- Personal Relationships at Work Policy
- Stress and mental wellbeing at work
- Tenant Participation Strategy
- Unacceptable Behaviour Policy
- Whistleblowing Policy

## **11. UK General Data Protection Regulation 2021**

- 11.1 The organisation will treat your personal data in line with our obligations under the UK General Data Protection Regulation 2021 (UK GDPR) and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

## **12. Policy Review**

- 12.1 This Policy will be reviewed every three years or earlier in line with regulatory or legislative guidance / changes or good practice guidelines.

## **13. Equality Impact Assessment**

- 13.1 This Policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.

## **Appendix 1**

### **Procedure for dealing with Complaints under this policy**

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. This appendix sets out the procedure / process to be followed in each of the specified instances below:

#### **1. Complaints: By an employee**

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.

##### **• Informal Stage**

An employee should aim to resolve the matter informally as it may be that the discriminatory action is unintentional 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.

##### **• 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 (if the complaint is against their manager then the manager next in line). The complaint should then be dealt with under the organisation's Grievance Procedure. In line with this process an investigation into the complaint will be conducted. 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 Procedure.

If the outcome of the investigation is that a formal disciplinary hearing should take place this will be conducted in line with the organisation's Disciplinary Procedure. (Refer to the Association's Disciplinary Procedure for full details).

#### **2. Complaints made against employees**

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

### **3. Complaints: Stakeholders**

The right to be treated equally with dignity and respect extends to outside contractors, partner organisations, service users, customers and any other agencies that are associated with ng homes. Therefore, all stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by the organisation and appropriate action will be taken.

If a stakeholder feels that they are being discriminated against in the course of their contact with ng homes, the following procedure should be followed.

- **Informal Stage**

Where possible, incidents should be dealt with informally. The stakeholder should report the matter to their lead contact within the Association as soon as possible. It may be that the discriminatory action is unintentional and easily resolved once the situation is highlighted.

The manager 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 will result in appropriate action being taken which may include being refused access to the organisation's premises or services.

- **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 relevant senior manager 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 the organisation's premises, or refusing contact with its customers/employees/Board members. In cases of physical violence or serious threats the appropriate manager will notify the police.

### **4. Complaints made by stakeholders**

Where stakeholders receive inappropriate behaviour from an employee of ng homes, Board member or another stakeholder in connection with ng homes business, the stakeholder should raise the issue with their lead contact. The lead contact will then investigate the complaint and

deal with it in accordance with the appropriate procedure (depending on whether the complaint is against an employee, a Board member, a contractor, a partner organisation, etc.).

Where the situation involves an employee of ng homes being the bully/harasser then this could lead to disciplinary action. Any action will be carried out in line with the ng homes disciplinary and grievance procedure.

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

## **5. Complaints: By a Board Member**

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.

- **Informal Stage**

If a Board member feels they are in receipt of inappropriate behaviour from another Board member, an employee, or any stakeholder in connection with the Association, they should raise this immediately with the appropriate senior manager. The manager will discuss the issue with the person that the complaint is against, explaining the required standards of behaviour and the consequences of failing to comply.

- **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 on whether the complaint is against an employee, a Board member, a contractor, a partner, etc.). In cases of physical violence or serious threats an appropriate manager will notify the police.

## **6. 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 Association's Board.