

<i>Paragon Housing Association Limited</i>	
POLICY	EQUALITY POLICY
POLICY AREA	GOVERNANCE
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We can produce this document in different formats, for example, in larger print, Braille or audio-format; this document can also be translated into other languages, as appropriate.

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Note: We refer generally to the equality policy simply as “our policy.”

Section 1: Strategic aims

1.1. Role of the equality policy

Our policy is a governance policy and we apply its values throughout all of our employment and housing services.

Our policy sets out the framework that we use to address unlawful discrimination, as well as promoting equality objectives.¹

1.2. Implementing our policy

We implement our policy through a comprehensive equality action plan (see Section 4). The action plan is comprehensive and covers all organisational services.² The purpose of the action plan is to embed equality matters throughout service provision. This process is often referred to as “equality mainstreaming.”

Note

We use the word “equality” below to include both “equal opportunity” and “diversity.”

1.3. Summary

Our policy is part of governance and is used to promote equality values throughout all organisational services. Section 2 now explains the legal, regulatory and guidance framework on which our policy is based.

Section 2: Law and regulatory framework

Section 2 explains the equality law and regulatory framework that determines our equality policy objectives.

Section 2 is not a precise statement of law, but provides a plain language summary of key points.

2.1. Equality law

Equality law is extremely complex and our policy takes account of a diverse range of legislation.³

¹ This includes any form of unlawful harassment and/or victimisation.

² Section 4 also refers to other equality procedures that we use to achieve effective equality mainstreaming.

³ See Appendix 1 that contains a summary of key laws, regulatory sources, as well as good practice guidance.

The main Act that regulates our practices is the Equality Act 2010.⁴ This Act covers a diverse range of equality issues.

Two key issues are now explained by reference to the protected characteristics and the public sector equality duty.

The Equality Act 2010 (amendment) Regulations 2023 came into force on 1st January 2024. These amendments were introduced to preserve certain EU-Derived protections post Brexit and the key changes have been incorporated into the accompanying Equalities Action Plan.

2.2.1 The protected characteristics

The protected characteristics are the grounds on which discrimination is unlawful.⁵

The nine protected characteristics, in alphabetical order, are:

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

2.2.2. The Public Sector Equality Duty

The Equality Act 2010 requires relevant public authorities to meet the Public Sector Equality Duty.

This Duty contains requires such bodies to:

- eliminate unlawful discrimination;
- advance equality of opportunity between people with – and those without – a protected characteristic; and

⁴ Equality law is subject to ongoing change, including the Equality Act 2010. For example, a new duty in relation to addressing socio-economic disadvantage for specified public bodies came into force in Scotland in 2018. This is significant as addressing poverty issues associated with social class is paramount in the Scottish public housing sector.

⁵ Discrimination has different meanings under in law and so discrimination can take different legal forms.

- foster good relations between people with – and those without - a protected characteristic.

As this Duty makes clear, equality law focuses, not simply on eliminating discrimination, but on being proactive to promote equality objectives.

2.3. The Scotland Act 1998⁶

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

“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)

This Act is very important for two reasons. Firstly, it defines equal opportunities in law. Secondly, the Act covers grounds other than the protected characteristics. For instance, social origin and personal attributes are both covered by the statutory definition.

Note: We take these other grounds into account as part of our equality action plan.

2.4. Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010⁷ requires every social landlord to “act in a manner to encourage equal opportunities.”

This provision is important as this requirement includes all equality related law and is central to the process of equality mainstreaming.

2.5. Regulatory standards

The Scottish Housing Regulator issues regulatory standards to which we must comply. This includes equality related standards.

Housing service standards

⁶ Like the Equality Act 2010, this Act too has been subject to amendments.

⁷ See the Housing (Scotland) Act 2010, section 39.

The Scottish Social Housing Charter contains a particular equality related standard that applies to housing services (for tenants and other customers).

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

(Scottish Social Housing Charter, 2017).

Finance and governance

The Scottish Housing Regulator’s financial and governance standard requires us to conduct our affairs with honesty and integrity (Standard 5). This includes:

“ ..paying 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 (our) work, including (our) governance arrangements”

(Scottish Housing Regulator, 2019, page 14, Regulation of social housing in Scotland: Our framework).

Another important regulatory standard relating to equal opportunity is covered under the Scottish Housing Regulator’s assurance and notification requirements.

Under this, we must:

“Have assurance and evidence that (we) consider equality and human rights issues properly when making all of (our) decisions, in the design and review of internal and external policies, and in (our) day-to-day service delivery;” and

“To comply with these duties, landlords must 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 service users.”

(Scottish Housing Regulator, 2019, page 8, Regulation of social housing in Scotland: Our framework)

Sector Specific Guidance for Housing Associations

The Scottish Housing Regulator's Equalities Statement 2023 – 2025 outlines expectations for social landlords, including:

- embedding equalities and human rights in governance and service delivery
- Using equalities data to inform decisions and improve outcomes.

Codes of practice

The Equality and Human Rights Commission issues codes of practice that also regulate services of appropriate social housing landlords. These codes cover both employment and services.

2.6. Summary

Equality law is complex in nature and is subject to continual development and review by the Government. The equality legislative framework is supported, in Scotland, by a regulatory framework, as well as by good practice guidance. We have based our policy on these frameworks.

Section 3: Key equality policy objectives

3.1. Our objectives

Our ten equality policy objectives set out our commitments in relation to implementing a range of equality matters.

Regulatory framework

We comply with all relevant statutory and regulatory provisions in respect of equality matters.

Promoting equality commitments

We use our equality action plan to incorporate equality matters throughout all organisational services; this includes taking account of good practice guidance.

Comprehensive approach

We have established a range of equality procedures to support us in the effective implementation of our policy.

Collecting and using equality data

We collect equality data and use data to provide appropriate services to our staff, tenants and other customers.

Information and publications

We assess our information before publication so that it is accessible, accurate and appropriate, including using positive language to promote respect for other people.

Partnership working

We work in partnership with a range of other organisations to promote our equality objectives, for example local authorities in the Forth Valley, tenant and resident groups and other community groups

Equality training

We provide internal equality training events for our staff and committee members, including consciousness raising that is critical in addressing different forms of unlawful discrimination.

Performance management

We include relevant equality performance indicators as part of our general performance management system.

Tenant participation and consultation

We consult with tenants and other customers on our equality policy objectives as part of our tenant participation strategy.

Policy review

We review our policy every 3 years, or sooner if needed due to changes in law and/or equality guidance.

3.3. Summary

Our equality objectives describe our equality commitments that we use to mainstream equality values throughout all organisational services. These policy objectives are linked to our equality action plan to ensure that we promote a comprehensive approach to equality mainstreaming.

Section 4: Implementing policy objectives

Our policy explains key objectives to be met in practice. In order to achieve this, we have developed the following internal documentation:

- equality action plan;
- equality data collection procedure;
- equality impact assessment procedure (EIA);
- harassment procedure; and
- appropriate language guide.

4.1. Equality action plan

Our equality action plan is extremely comprehensive and applies to all relevant areas of organisational practice.

The plan is based on a specific theoretical framework that ensures we adopt a holistic and systemic approach to implementing equality rights. We explain this framework within the equality action plan.

4.2. Equality data collection procedure

Our equality data collection procedure is central to our equality action plan and takes account of relevant regulatory guidance issued by the Scottish Housing Regulator.

Our procedure takes account of a diverse range of law and guidance, including:

- data protection law and guidance (including the UK General Data Protection Regulation);
- equality law and guidance;
- housing law and guidance; and
- human rights law and guidance.

Our procedures explain clearly, not only what equality data we collect, but reasons why we gather data. Very importantly, equality data is collected to comply with law and regulatory standards, as well as promoting good practice.

For instance, by collecting information about the accessibility requirements of our disabled staff, then we can make reasonable adjustments to address their needs.

4.3. Equality impact assessment procedure (EIA)

Our equality impact assessment procedure is used to mainstream equality matters throughout relevant organisational policies, procedures and other organisational documentation.

Our procedure takes account of a diverse range of good practice guidance, including appropriate and plain language standards.

This procedure is critical to meeting statutory and regulatory requirements to address unlawful forms of discrimination and to promote equality objectives.

4.4. Harassment procedure

Our harassment procedure has been developed to link to other housing procedures, namely our antisocial behaviour strategy.

Our procedure includes using a wide range of remedies appropriate to addressing the type of harassment (or discrimination) in question. These include management and/or judicial actions.

We support people who experience discrimination and/or harassment to consider options that might be available to resolve their situation; this may include referring people to independent advice agencies.

4.5. Appropriate language guide

Our appropriate language guide promotes staff consciousness of how language can be used to address discrimination and harassment and promote positive views of other people.

For example, through our equality impact assessment procedure, we incorporate language appropriate to the social model of disability to promote the interests of disabled people.

4.6. Summary

We implement our equality policy objectives into practice through a range of internal procedures and related documentation. These documents are inter-dependent and linked systemically to promote equality mainstreaming as part of routine service delivery.

Section 5: Equality training

5.1. The role of training

Equality training is central to effective implementation of equality policy objectives. Two further points are central to our equality training strategy.

Firstly, we recognise that equality training covers a wide range of topics and we provide, therefore, different types of equality training.

Secondly, we base equality training on internal training needs assessments that we carry out for individual staff and committee members. This assessment takes account of actual job roles, as well as future development needs.

By adopting this approach, we select appropriate equality training and thereby ensure value for money.

5.2. Types of equality training

Types of equality training are explained below using the headings law and guidance, policy and procedural training, technical training and consciousness raising training.

5.2.1. Law and guidance

This type of training covers issues such as:

- equality law in relation to employment and services, for example, the Equality Act 2010;
- codes of practice and other good practice guidance, for example, information produced by the Equality and Human Rights Commission; and
- regulatory standards in housing produced by the Scottish Housing Regulator such as the National Guidance in relation to equality data collection.

5.2.2. Policy and procedural training

This type of training covers issues such as:

- our equality policy and action plan; and
- our specialist equality procedures.

5.2.3. Technical training

Technical training covers issues such as:

- carrying out equality impact assessments to mainstream equality objectives throughout policies and procedures;

- assessing the accessibility of our website; and
- developing equality monitoring reports that are essential for committee members who oversee the implementation of organisational policies.

5.2.4. Consciousness raising training

Consciousness raising training covers issues such as:

- recognising and addressing different forms of discrimination and harassment; and
- promoting awareness of theoretical perspectives that are promoted by the Equality and Human Rights Commission such as the social model of disability.

5.3. Summary

Equality training is essential if equality mainstreaming is to be realised in practice. Equality training has, therefore, been incorporated within our training strategy as a mandatory activity for both staff and committee members.

Section 6: Managing our performance

In this section we explain:

- why we collect equality data;
- what equality data we monitor;
- methods used to collect equality data; and
- access to equality data.

6.1. Why we collect equality data

We collect equality data for various reasons, including to:

- meet our statutory and regulatory duties;
- identify any form of unlawful discrimination and then take steps to address such conduct; and
- evaluate areas for further development, including promoting positive action initiatives.

6.2. What equality data we monitor

We monitor data in line with law and National Guidance issued by the Scottish Housing Regulator.

We ensure that our equality data processing complies with relevant data protection provisions as set out in our data protection strategy.

Note: We provide regular equality related reports to committee members.

6.3. Methods used to collect equality data

We collect equality data through three main ways, namely:

- application forms (for housing and/or employment);
- the equality monitoring form that is provided to tenants and employees; and
- surveys.

6.4. Access to equality data

We regulate access to – and usage of - personal data in line with our data protection policy and practices. This is to ensure that personal data is managed in line with data protection law.

6.5. Summary

Equality data collection is central to our equality action plan. We collect equality data for various purposes, in particular to ensure compliance with statutory and regulatory duties. Fundamental to this process is that we use data to address the needs of individual employees, tenants and other customers. We only process equality data if this meets the strict rules covered in data protection law.

Section 7: Positive action initiatives

7.1.Context

Positive action is promoted in law and is used to address historic patterns of discrimination experienced by people with relevant protected characteristics.

This must be distinguished from positive discrimination that is generally unlawful.

These concepts are summarised below; this is not intended as a precise statement of law.

Example of positive action

A positive action initiative might involve encouraging women to apply for jobs in repairs and maintenance. This could be relevant as social landlords have traditionally employed mainly men in this type of employment.

Positive discrimination

Positive discrimination is, generally, unlawful. Positive discrimination involves treating people more favourably than other people in relation to one of the relevant protected characteristics, for example, due to their sex.⁸

7.4. Our positive action initiatives

We implement positive action initiatives, as appropriate. Examples of such initiatives include working with local authorities on employment initiatives for targeted groups such as young people, membership of the Clackmannanshire Wellbeing Economy Anchor Partnership.

7.5. Summary

We develop positive action initiatives, as appropriate, as part of our equality action plan. These are based on an assessment of local and national equality patterns so that we can address patterns of disadvantage. Through this approach, we address barriers to employment, services and training opportunities that can affect those with protected characteristics and those without such characteristics.

Section 8: Other partner organisations

8.1 Partnership working to promote our equality objectives

We develop partnerships to promote effective implementation of our equality policy. This applies as partnership working enables a more comprehensive approach to be taken, as well as the pooling of resources.

8.2. Our partner organisations

We work with a range of organisations to promote equality objectives.

Examples of these organisations are the Equality and Human Rights Commission,

- Clackmannanshire Council
- Falkirk Council
- Stirling Council

⁸ Appointments on the basis of sex or racial groups could be permitted in law, for example, if these are deemed to be essential for the specific post in question. These are referred to as “genuine occupational requirements.” One example of this could be appointing a Somali woman to provide rape counselling advice to Somali women who are victims of rape.

- Central Scotland Region Equality Council including Forth Valley Language Support
- Clackmannanshire Tenants and Residents Federation
- PHA Tenant Scrutiny Panel

8.3. Summary

We promote partnership working and this theme is included in our equality action plan. This can include working with agencies, operating at either local or national levels.

Section 9: Addressing appeals or complaints

9.1. Appeals

We provide information to our employees, tenants and other customers about how they can obtain advice and assistance in relation to appeals concerning equality matters.

In the case of employees, appeals concerning equality and employment matters would be directed to employment tribunals.

In the case of tenants and other customers, appeals concerning equality and housing matters would be directed to the Sheriff Court.

9.2. Complaints

We address any equality related complaints through our complaint handling procedure. This complies with the SPSO Model Complaints Handling Procedure for the Registered Social Landlord Sector

We provide information about our complaint procedure to all of our tenants and other service users.

Policy & Leaflet Web Site Link

[Complaints \(paragonha.org.uk\)](http://paragonha.org.uk)

We define a complaint as:

Paragon Housing Association's definition of a complaint is: 'Any expression of dissatisfaction by one or more customers or members of the public about Paragon Housing Association's action or lack of action, or about the standard of service provided by us or on behalf of Paragon Housing Association.'

9.3. Summary

We advise people who want to appeal equality related issues with information as to where independent legal advice might be obtained. This follows our commitment to promote human rights so that people can access a fair and independent hearing. We also provide tenants and other customers with information about our complaint process.

Section 10: Reviewing our equality policy

10.1. Consultation about our equality policy

Consultation is pivotal to our tenant participation strategy and we consult with tenants and other persons about our equality policy objectives. Our consultation methods include taking account of the accessibility requirements of disabled people.

10.2. Review of equality policy

We review our equality policy every 3 years or sooner, as required. For example, we may review our equality policy due to legal changes.

10.3. Summary

We consult with tenants and other people when developing our equality policy in line with our tenant participation strategy. We review equality policy, as appropriate, and ensure that reviews reflect developments in law and related guidance.

Appendices

Appendix 1: Law and guidance

Appendix 1: Law and guidance

This section notes two key laws and where guidance is available relating to equality matters. A more complete list of relevant laws and guidance is not provided as this is quickly outdated due to ongoing changes as law and guidance evolve.

Key laws

Equality Act 2010 (as amended).

Human Rights Act 1998 (as amended)

Secondary legislation

There is a large number of statutory instruments (and Scottish statutory instruments) available on the Scottish Government website. For example, SSI 2017 No. 403 The Equality Act 2010 (Commencement No. 13) (Scotland) Order 2017. The Order introduced the duty contained in the Equality Act 2010 from 1 April 2018.

Equality and Human Rights Commission

The statutory and non-statutory codes are available on the Equality and Human Rights Commission's website.

Research

Montgomery, S, Dr, 2011, "A critical assessment of factors that are necessary for the effective implementation of equality rights within services provided by Glasgow's housing associations," Master of Philosophy Thesis presented to the University of West of Scotland: Glasgow.

Housing guidance

Guidance on equality practices is comprehensive and covers many issues, both specialist and general.

With reference to housing specifically, examples of guidance and research are as follows:

CIH (2010) Equalities and Diversity in housing, CIH Scotland.

CIH (2011) Delivering the Equality Act 2010, CIH.

CIH (2009) Equality, Diversity and Good Relations in Housing, Good Practice Brief, CIH.

Jeffrey, J and Seager, R, 2011, Equality and diversity: a framework for review and action (3rd edition), National Federation of Housing Associations.