



# **EDEN HOUSING ASSOCIATION LIMITED**

## **EQUALITY & DIVERSITY POLICY**

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## **1. POLICY STATEMENT**

We are committed to being an organisation which values people from all sections of the community we serve and are committed to promoting a diverse workforce. We will work hard to eliminate discrimination and aim to ensure that no customer, employee or job applicant is discriminated against, or receives less favourable treatment because of a protected characteristic.

As an organisation rooted in rural Cumbria, we also recognise the challenges our rural communities face in gaining equal access to services and aim to combat the disadvantage that living rurally can cause.

Our Equality & Diversity Policy applies to:

- Employees
- Board Members
- Volunteers
- Service users
- Contractors and sub-contractors

## **2. REFERENCES**

### **External**

- The Equality Act 2010
- The Regulatory Framework for Social Housing in England (HCA, April 2015)
- Equality Act 2010 – Summary Guide for Public Sector Organisations (Government Equalities Office, 2010)
- Delivering the Equality Act 2010 – Practice Brief (Chartered Institute of Housing, 2011)
- The Equality Act 2010 – Briefing (National Housing Federation, 2010)
- Social Housing Equality Framework (Local Government Association, 2012)
- Equality & Diversity: CIH Charter for Housing (CIH, 2012)
- Equality Impact Assessment Guidance and Template - BBSRC

### **Internal**

- The Equality & Diversity Policy is overarching and links with all other EHA Policies

## **3. KEY BUSINESS OBJECTIVES**

Our commitment to equality and inclusivity is integral to delivery of our services and operation as a business and is woven through our four Key Objectives:

- Improve Key Services
- Strengthen the business
- Support and improve the health and well-being of residents and our rural communities
- Value our staff

#### **4. DEFINITIONS**

The Equality Act 2010 aims to harmonise and strengthen and extend the law on tackling discrimination. It has consolidated various definitions of unlawful discrimination into a common framework, and introduces 'protected characteristics' previously referred to as 'grounds'.

##### ***Protected Characteristics***

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race (including ethnic or national origins, colour and nationality)
7. Religion or belief (including lack of belief)
8. Sex
9. Sexual orientation

##### ***Types of Discrimination***

Direct Discrimination - takes place if a person is treated less favourably than someone else due to them being part of a protected group (ie not offering someone a job because of their sex).

The disability legislation is slightly different in that it introduces the concept of 'reasonable adjustment'. Failure to comply with a duty to provide a 'reasonable adjustment' can be classed as direct discrimination.

Indirect Discrimination - takes place when people from a particular group cannot meet a rule, condition or practice set which is not completely necessary. For example unnecessary requirements for an English qualification which could discriminate against people from a minority ethnic group.

Associative Discrimination - is a direct discrimination against someone because they are associated with another person who has a protected characteristic. For example discriminating against someone who is a carer for a person with a protected characteristic.

Discrimination by Perception - is direct discrimination against someone because others think they possess a particular protected characteristic. For example repeatedly making homophobic jokes about someone because you believe they are homosexual when in fact they are heterosexual.

Harassment - can take many forms from the most obvious abusive remarks to extremely subtle use of power. The key issue is the impact of this behaviour on the person receiving it and the violation of that person's dignity by creating an intimidating, hostile, degrading, humiliating or offensive environment for them eg harassment of a sexual nature or racial harassment.

Harassment by a Third Party - is where an employee is harassed by a customer or contractor.

EHA's Harassment Policy 2016 details the organisation's responsibilities for preventing, reporting managing and supporting individuals who experience harassment in the workplace.

Victimisation - is where a person is treated less favourably than others in the same circumstances because they carry out a protected act ie have complained about discrimination, or supported someone who has.

## **5. POLICY CONTENT**

We want to ensure that our culture, policies and practices support the continuing development of an open organisation that is compliant with legislation and regulatory requirements, committed to the elimination of discrimination, and with an equitable approach to the rights and responsibilities of all.

We will use the Social Housing Equality Framework self-assessment tool annually to develop/refresh an Equality and Diversity Action Plan to ensure we take a pro-active, appropriate and proportionate approach to achieve our aims.

### ***Equality analysis***

We will conduct an equality analysis when working on projects of significant corporate or strategic importance, or when considering significant alteration of service delivery. It will sometimes be appropriate to conduct an equality analysis outside this general rule if the anticipated impact of what we are working on is likely to be extensive.

Equality analysis will be conducted through the use of Equality Impact Assessments (EIA). This is an evidence-based approach designed to help ensure that our practices, activities or decision-making process is fair and does not disadvantage any protected groups. Where practical an EIA will be conducted when a new practice is identified or when an existing one is reviewed and these will be completed at the earliest opportunity. See appendix 3.

### ***Equality and Diversity in Recruitment and Selection***

#### ***Positive Action***

The Equality Act 2010 encourages employers to exercise positive action in relation to recruitment of people who share a particular protected characteristic. Our Recruitment Procedures cover our approach to Positive Action and should be referred to for further details.

## ***Public Sector Equality Duty***

Introduced as part of The Equality Act 2010, this general equality duty requires those subject to it to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Whilst not a public body, EHA is considered to carry out a 'function of a public nature' or public functions, which means we are subject to this general duty too.

### **6. RESPONSIBILITIES**

All employees and Board Members share a responsibility to ensure we create an environment where diversity is respected, we are mindful of our commitment to eliminate discrimination, and our legal and regulatory requirements are met.

#### **The Director of Operations retains the overall responsibility for:**

- the implementation of this Policy and is responsible for ensuring that associated monitoring and review, staff awareness and training, policy development and communication to customers is undertaken.

#### **The Board has an overall responsibility for:**

- Ensuring a current and appropriate Policy is in place, and that commitment to the policy and principles of equality and diversity is evident across the Association.

#### **Executive Team and Management Team are responsible for:**

- Acting as positive role models for staff with regard to equality and diversity.
- Ensuring that any inappropriate behaviour/comments from staff are addressed.

#### **All Staff and Volunteers are responsible for:**

- Ensuring that equality and diversity issues are actively addressed in their day to day work.
- Ensuring their own behaviour is appropriate and in line with this Policy.

### **7. CUSTOMER INVOLVEMENT AND ACCESSIBILITY**

This Policy was developed by staff but has been approved by ECHO. ECHO and/or Scrutiny Panel will also receive reports relating to the Social Housing Equality Framework self-assessments that we will undertake annually as part of our regular monitoring and review of this Policy.

We are committed to providing services that are accessible to all, and as with all EHA documents, this Policy can be made accessible in a number of ways

through translation, large print or audio. Hard copies are available on request and the Policy is available through our website.

## **8. CONSULTATION AND ENGAGEMENT**

EHA will always endeavor to work with the communities that we serve and will actively listen to our service users. However we recognise that, in order to engage with some groups, we may need to employ specific engagement activities to ensure their views are properly and correctly captured and taken into account when delivering our services. Appendix 4 provides a list of Support Networks and Groups for engagement and advice.

## **9. LEARNING AND DEVELOPMENT**

All staff, Board Members and volunteers will be provided with learning opportunities on an annual basis to ensure that they are kept abreast of any changes and their responsibilities when delivering this Policy.

## **10. FEEDBACK & COMPLAINTS**

Service users should expect to be able to utilise all our services without fear of discrimination or harassment. We strive to ensure that service users' experience of our services are of the highest possible standard and, as a result, we regularly measure, monitor and action customer complaints reviews including equality and diversity concerns.

We recognise that any service user who is unhappy with our service has the right to submit a complaint. Any complaints, including equality and diversity ones, will be investigated under EHA's Complaints and Compliments Policy (July 2017).

## **11. VFM**

Embracing diversity and developing understanding of diverse views and needs helps ensure we target our services appropriately and therefore contributes to achieving Value for Money.

## **12. POLICY MONITORING AND REVIEW**

We will undertake the Social Housing Equality Framework self-assessment annually to check on progress towards our stated aim. This assessment will include considering whether:

- the Policy adheres to legislative and regulatory requirements and reflects current good practice
- the aims and objectives of the Policy being met
- the current Policy outcomes meet the needs and aspirations of our customer base
- service users are aware of and understand the Policy and believe it to be consistent and fair
- the service offers Value for Money

### **13. POLICY PROCEDURES AND GUIDELINES**

An Equality and Diversity Action Plan (EDAP) will be created and maintained, which will be based on our annual self-assessment against the Social Housing Equality Framework. This EDAP will lay out clearly what actions are to be taken and who will be responsible for them.

The first self-assessment and EDAP will be completed by December 2018.

## **Transgender/Gender Reassignment Guidance**

““Gender reassignment” means a process which is undertaken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex, and includes any part of such a process;”.

Sex Discrimination (Gender Reassignment) Regulations 1999

This relates to an individual who is undergoing the process of changing gender from either female to male or male to female. The process involves many physical and psychological stages and may take a number of years.

### **1.1 Informing your Line Manger/colleagues**

If a member of staff wishes to change their sex and undergo gender reassignment, EHA will always support the individual within the workplace throughout the process and respect the individual’s need for privacy.

From the moment the staff member informs their Line Manager/EHA of their intention to change their gender, they are protected by law. The member of staff can choose to inform their Line Manager/colleagues at any time throughout the process.

EHA will take a zero tolerance policy of harassment or discrimination by colleagues, however, the individual will be expected to respect the genuine questions/concerns from colleagues. To help support the individual, HR will signpost them to welfare and counselling organisations, as well as the support networks outlined in Appendix 4.

### **1.2 Time off work for treatment**

Treatment for gender reassignment will differ depending on the individual’s needs. Time off work for gender reassignment treatment will fall under the Absence Management Procedures 2016; however, an individual’s specific medical needs (and their return to work) will be treated respectfully and confidentially on an individual basis with their Line Manager and HR Coordinator.

### **1.3 HR Records**

An individual may choose to have the personal details that are held by the Organisation, amended to reflect the change in name and/or sex. This should be discussed with their Line Manager in order to identify the most appropriate date.

## **1.4 Washroom Facilities**

Where unisex facilities are not available, the use of toilets/changing rooms will depend on the following:

- The wishes of the staff member undergoing gender reassignment
- The current stage of treatment

Within this discussion, the concerns and views of colleagues will also be considered, however these should not be the principal factor when making a decision.

In circumstances where unisex facilities may be the most appropriate solution, EHA may choose to review their allocation of washroom facilities.

## **Religious Beliefs Guidance**

EHA promotes diversity amongst its workforce and aims to create working conditions that respect the differing beliefs of its staff.

### **1.1 Religious Festivals**

The Association acknowledges that all religions have differing holy festivals throughout the year. EHA will sympathetically review any requests for the exchange of statutory Bank Holidays in line with non-Christian religious festivals for any individuals practicing non-Christian faiths. Where it is not possible for the employee to attend their usual place of work, consideration will be given for appropriate work to be completed at home.

Multi faith calendars providing dates of all religious festivals will be displayed prominently throughout the premises as well as on ERNIE.

### **1.2 Multi Faith Room**

EHA understands that individuals of all religions may wish to pray during the work day. Although EHA does not have designated Multi Faith Rooms within its buildings, we will always endeavour to make a space available, should anyone require a place for prayer or quiet contemplation.

### **1.3 Work Dress**

EHA allows members of staff to wear cultural clothing and jewellery consistent with their faith, providing that these do not prohibit their daily role or contravene Health & Safety regulations.

### **1.4 Tenants**

Staff must be respectful of the varying beliefs and faiths of tenants and customers. In certain religious festivals, such as Ramadan, visits to tenant properties should, where possible, be conducted in line with tenant preferences.

## **Equality Analysis Guidance**

### **1.1 What is Equality Analysis?**

Equality analysis is a way of considering the effect on different groups that are protected from discrimination by the Equality Act. This analysis will help identify if there are any unintended consequences for protected groups, as well as enabling organisations to ensure that any new or revised practices will be fully effective for all target groups.

Equality analysis will usually involve using equality information, as well as the results of engagement with protected groups, to fully understand the impact of new or changed practices.

One tool for gathering and examining equality information is via an Equality Impact Assessment (EIA).

### **1.2 Equality Impact Assessments**

EIA is a simple assessment tool that enables you to examine the main functions of new/revised practices. The outcome of the EIA will enable you to identify and address existing and potential inequalities across all the protected groups.

For best practice, an EIA should form part of general business and should form part of any new policy, practice or event/activity. They should also be conducted when reviewing or re-evaluating any existing policy, practice or event/activity.

When evaluating the information gathered on the EIA, there are four outcomes:

1. No barriers or negative impact is identified – the practice can proceed
2. Barrier(s) are evidenced towards one or more protected groups – stop the practice
3. Barrier(s) are evidenced towards one or more protected groups – adapt or change the practice in order to eliminate the bias
4. Barrier(s) are evidenced towards one or more protected groups – having considered all available options, there is no proportionate way to eliminate the bias, so the practice will still proceed with caution. In these cases, your decision will need justification and, as this will likely cause a risk to the organisation, this should be included on the Operational/Corporate Risk Register.

## Equality Impact Assessment (Template)

Question	Response
1. Name of the policy/practice/activity being assessed	
2. Summary of aims and objectives of the policy/practice/activity	
3. What involvement, consultation, engagement has taken place for the policy/practice/activity (e.g relevant groups/stakeholders)	
4. Who is affected by the policy/practice/activity	
5. What are the arrangements for monitoring and reviewing the impact of the policy/practice/activity	

Protected Group	Is there a potential for a positive or negative impact	Explain and provide evidence/data used	Action to address the negative impact
Disability			
Gender reassignment			
Marriage or civil partnership			
Pregnancy or maternity			
Race			
Religion or belief			
Sexual orientation			
Sex (gender)			
Age			

## Evaluation

Question	Explanation	
Is it possible the proposed policy/practice/activity could discriminate or unfairly disadvantage people		
Decision	Tick the relevant box	Include any justification required
1. No barriers identified – <b>proceed</b>		
2. Barriers identified towards one (or more) protected groups – <b>stop</b>		
3. Barriers identified towards one (or more) protected groups – <b>adapt or change</b> the policy/practice/activity		
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so <b>proceed with caution</b>		

<b>Completed by – and date</b>			
<b>Reviewed by</b>			
<b>Review Date</b> (if applicable)			
<b>Will this EIA be published</b>	Yes	No	Not Required

**Action** (To be completed as required)

<b>If the Evaluation has resulted in Decision 4, complete a risk assessment and record on Operational Risk Register</b>	<b>Date Completed:</b>
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## Change Log

Name	Date	Version	Change
	When published	1	

## **Support Networks and Advice Groups**

### **Equality rights information for all aspects of equality and discrimination**

1. Cumbria specific equality website  
[www.equalitycumbria.org/uk](http://www.equalitycumbria.org/uk)  
Advice provided through website
2. Equality & Human Rights Commission  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)  
Advice line: 0808 800 0082
3. Equal Opportunities Commission  
[www.eoc.org.uk](http://www.eoc.org.uk)  
Advice provided through website email

### **Disability**

4. Disability Rights Commission  
[www.drc.org.uk](http://www.drc.org.uk)  
Tel: 08457 622 633
5. Disability Association Carlisle and Eden District (DACE)  
3 Nicholas St. Carlisle, CA1 2EF  
[www.carlisledisability.org.uk](http://www.carlisledisability.org.uk)  
Tel: 01228 674882
6. Business Disability Forum (UK's national employer's network specifically focusing on topic of disability)  
[www.businessdisabilityforum.org.uk](http://www.businessdisabilityforum.org.uk)  
Tel: 020 7403 3020

### **Gender Reassignment**

7. The Gender Trust (promotes public education about transgender and gender identity issues)  
[www.gendertrust.org.uk](http://www.gendertrust.org.uk)  
Advice provided through website email

### **Sexuality**

8. LGBT Foundation  
[www.lgbt.foundation](http://www.lgbt.foundation)  
Tel: 0345 3 30 30 30  
Email: [info@lgbt.foundation](mailto:info@lgbt.foundation)

**Religious Beliefs**

9. BB Religious Beliefs (website providing full information about every religion and festival)  
[www.bbc.co.uk/religion](http://www.bbc.co.uk/religion)

**HIV & AIDS**

10. The Terence Higgins Trust (provides support, advice and info)  
[www.tht.org.uk](http://www.tht.org.uk)  
Tel: 0808 802 1221

**Infertility**

11. The National Fertility Support Network  
[www.fertilitynetwork.org](http://www.fertilitynetwork.org)  
Tel: 01424 732361