



EDEN HOUSING ASSOCIATION LIMITED

EQUALITY, DIVERSITY & INCLUSION POLICY

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This policy applies to Eden Housing Association and all its wholly owned subsidiaries

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1. POLICY STATEMENT

- 1.1 Eden Housing's core mission is to be an outstanding organisation that values and encourages the diversity of our workforce and the communities we serve. We will work hard to promote inclusivity in the services that we provide and will be proactive in our stance to eliminate discrimination; aiming to ensure that no customer or employee is discriminated against, or marginalised because of their individuality.
- 1.2 The requirement for all organisations' commitment to equality, diversity and inclusion (ED&I) is key within the housing sector; from the way we govern our business (Code of Governance 2020¹) through to tackling the stigma of social housing (A new Deal for Social Housing 2018²).
- 1.3 In turn, EHA recognises both the global calls-for-change arising from increasing worldwide incidents surrounding diversity and equality, as well as the local challenges we face enabling our rural communities to gain inclusive access to services. As a result, we are resolute in our commitment to ED&I, ensuring it is firmly embedded into the key objectives of our 3year Corporate Plan.
- 1.4 This policy applies to:
- Employees
 - Board Members
 - Apprentices and volunteers
 - Service Users
 - Contractors and sub-contractors

2. REFERENCES

2.1 Internal

- Corporate Plan – Succeeding Together (April 2021-March 2024)
- Compliments, Complaints and Feedback Policy (March 2021)
- Bullying and Harassment Procedure (February 2021)

2.2 External

- Code of Governance 2020 (National Housing Framework)
- A New Deal for Social Housing, (Ministry of Housing, Communities & Local Government, 2018)
- General Data Protection Regulation, (EU Regulation 2016/679)
- Tenant Involvement and Empowerment Standard, (Regulator for Social Housing, 2017)
- 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)

¹ NHF: Code of Governance, 2020

² Ministry of Housing, Communities & Local Government: A New Deal for Social Housing, 2018

- Social Housing Equality Framework (Local Government Association, 2012)
- Equality & Diversity: CIH Charter for Housing (CIH, 2012)
- Equality Impact Assessment Guidance and Template – BBSRC
- Disability Discrimination: Key Points for the Workplace (ACAS, 2017)

3. POLICY CONTENT

3.1 Equality Act 2010

3.1.1 The Equality Act 2010 aims to 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’. Discrimination on any of the protected characteristics is unlawful.

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

3.2 Discrimination

3.2.1 Discrimination, harassment and victimisation can occur in many forms, (these have been listed in Appendix 1).

3.2.2 Discrimination in any form is unlawful and any allegations of discrimination in the workplace will be dealt with seriously and sensitively. EHA’s Bullying and Harassment Procedure outlines how the victim and alleged perpetrator will be dealt with under these circumstances. This procedure also links to further action taken, where required, under EHA’s Disciplinary Policy.

3.2.3 With regards to discrimination, it must be noted that under the second protected characteristic (disability), discrimination occurs when an organisation fails to consider/make ‘reasonable adjustments’ to accommodate the needs of a disabled employee or job applicant. Section 3.3.5 outlines EHA’s commitment to complying with this requirement.

3.3 Recruitment and Retention

3.3.1 The Equality Act 2010 encourages employers to exercise positive action in relation to the recruitment of people who share a particular protected characteristic.

3.3.2 For some recruitment and internal promotion opportunities, EHA may take positive action to encourage applicants from underrepresented groups. For example, we may state in our job advertisements that we would particularly

welcome applicants from certain groups, or we may hold work shadowing opportunities for underrepresented employees to prepare them for promotion. Ultimately, though, all recruitment decisions will be based on merit and ability to carry out the role.

3.3.3 When an applicant applies for a role at EHA, they will be offered the opportunity to complete an Ethnicity Monitoring Form (as part of EHA's Recruitment Policy and Procedure). This data will be held in accordance with the General Data Protection Regulation (GDPR) and employees will be encouraged to keep this information updated via the HR Carval system³

3.3.4 Under GDPR, organisations can process this data for the purpose of monitoring equality of opportunity or treatment between different groups. Therefore, EHA may gather personal characteristic data for both staff, Board members and tenants, in order to ensure that the Association's profile reflects the communities we serve and to help tailor our services so that they are inclusive for all.

Reasonable Adjustments

3.3.5 As introduced in Section 3.2.3, organisations have a legal requirement to consider reasonable adjustments for an employee or job applicant. A reasonable adjustment is,

*"a change or adaptation to the working environment that has the effect of removing or minimizing the impact of the individual's impairment in the workplace so they are able to undertake their job duties, or apply for a job, without being at a disadvantage."*⁴

3.3.6 For our organisation, reasonable adjustments may include (but are not limited to):

- possible adjustment to premises (where building design permits)
- change of office location to accommodate disability
- consideration of 80/20 split for Agile Working
- altering of work hours
- provision of additional/specialist equipment
- provision of training and/or mentoring and/or work shadowing
- disability leave allowance.

3.3.7 Reasonable adjustments for tenants/customers are dealt with under EHA's Compliments, Complaints and Feedback Policy 2021.

3.4 Training and Our Ongoing Commitment to Staff

3.4.1 Any ED&I learning opportunities for both staff and Board members are identified and raised through a variety of platforms (such as, annual PDP's, one-to-ones or Board appraisals). HR will record the training needs of the individual and then identify the most suitable training or learning opportunity available.

3.4.2 If an employee has any personal concerns regarding ED&I or wants to seek

³ The Protected Characteristic information for age, gender reassignment, pregnancy/maternity continues to be stored on HR records and not Carval

⁴ Disability Discrimination: Key Points for the Workplace. ACAS, July 2017

further advice and/or guidance, then EHA encourages them to access the confidential services of our dedicated Health Assured network. In addition, Appendix 2 contains a list of specific support networks and advice groups.

- 3.4.3 EHA understands the requests for different personal, cultural and religious practices and will aim to accommodate these within the workplace where reasonably possible. Consideration for different religious holidays, dress, transgender assistance etc. are listed in Appendix 3.

3.5 Customer and Tenant Engagement

3.5.1 Under the Regulator for Social Housing's consumer standards, the *Tenant Involvement and Empowerment Standard* establishes clear expectations for tenant involvement in how services are provided and their rights for consultation and engagement in service delivery.

3.5.2 As part of EHA's commitment to the Standard, we will undertake the following ED&I activities:

- Equality Impact Assessments will be completed for every policy to ensure customers are not being discriminated against or disadvantaged
- Every policy will be considered in terms of tenant impact. If it is deemed that the policy content impacts (either directly or indirectly) on tenants, then specific engagement will be undertaken with our tenants' panels, with guidance being provided by the EHA Engagement and Insight Officer
- Tenants will be offered the opportunity to provide personal data relating to the protected characteristics. By gathering this data, EHA will be able to profile the communities we serve, enabling us to understand our tenant's needs and tailor our services accordingly.

4. RESPONSIBILITIES

4.1 All employees and Board Members share a responsibility to ensure we create an environment where ED&I is respected, 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 ED&I is evident across the Association.

Executive Team and Management Team are responsible for:

- acting as positive role models for staff with regard to ED&I and ensuring that any discriminatory or inappropriate behaviour/comments from staff are formally addressed.

All Staff and Volunteers are responsible for:

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

5. EQUALITY IMPACT ASSESSMENT

- 5.1 We will conduct an equality analysis when working on projects of significant corporate or strategic importance, or when considering significant alteration of service delivery.
- 5.2 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 processes are fair and do not disadvantage any of the protected groups under the Equality Act 2010. An example of this process can be viewed at Appendix 4.
- 5.3 Completed EIAs will be appended to every policy and any public-facing policy will be uploaded to the organisation's website.
- 5.4 The completed EIA for this policy can be seen at Appendix 5.

6. MONITORING & REVIEW

- 6.1 This policy will be formally reviewed every 3yrs by the Director of Operations, but during this period the following monitoring and assessment will occur:
- Ongoing monitoring of staff and customer data, to help tailor our organisation's profile and delivery of services
 - Ongoing self-assessment against the Social Housing Equality Framework and CIH: Diversity Charter⁵.
 - Actions arising from the self-assessments will form EHA's Equality and Diversity Action Plan and progress against the Action Plan will be reviewed bi-monthly, led by the Director of Operations.

⁵ Assessment against these frameworks may be superseded by more recent and recommended assessment tools from the government and/or National Housing Federation

Types of Discrimination

1. Direct Discrimination - takes place if a person is treated less favorably 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.
2. 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.
3. 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.
4. 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.
5. 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, e.g. harassment of a sexual nature or racial harassment.
6. Harassment by a Third Party - is where an employee is harassed by a customer or contractor.
7. Victimisation - is where a person is treated less favorably than others in the same circumstances because they carry out a protected act, i.e. have complained about discrimination, or supported someone who has.

Support Networks and Advice Groups

Equality rights information for all aspects of equality and discrimination

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

Disability

4. Disability Rights Commission
www.drc.org.uk
5. Disability Association Carlisle and Eden District (DACE)
3 Nicholas St. Carlisle, CA1 2EF
www.carlisledisability.org.uk
Tel: 01228 317070
6. Business Disability Forum (UK's national employer's network specifically focusing on topic of disability)
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
Advice and contact details provided through website email

Sexuality

8. LGBT Foundation
www.lgbt.foundation
Tel: 0345 3 30 30 30
Email: info@lgbt.foundation

Religious Beliefs

9. BBC Religion and Ethics (website providing full information about religion, festivals, ethics and beliefs)
www.bbc.co.uk/religion

HIV & AIDS

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

Infertility

11. The National Fertility Support Network
www.fertilitynetwork.org
Tel: 01424 732361

Menopause

Information, guidance and advice are provided through these websites

12. The Menopause Charity
www.themenopausecharity.org
13. Menopause Matters
www.menopausematters.co.uk
14. The British Menopause Society (aimed at Healthcare Professionals, but contains a lot of news, publications and information)
www.thebms.org.uk

Workplace Guidance

EHA promotes diversity and inclusivity 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 endeavor to make a space available, should anyone require a place for prayer or quiet contemplation.

As these rooms are active meeting rooms, these can be booked for one-off prayer times using the outlook booking system.

If an individual wishes to practice their faith daily, and if it's feasible, the meeting room will be made 'unavailable' at designated times every day, for the duration.

1.3 Work Dress

EHA allows members of staff to wear cultural clothing and jewelry 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.

1.5 Transgender/Gender Reassignment Guidance

Definition

"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.

Informing your Line Manager/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 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 2020; 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.

HR Records

An individual may choose to have the personal details that are held by the Association, 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.

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.

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 – proceed		
2. Barriers identified towards one (or more) protected groups – stop		
3. Barriers identified towards one (or more) protected groups – adapt or change the policy/practice/activity		
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so proceed with caution		

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

Action (To be completed as required)

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

Name	Date	Version	Change
	When published	1	

Equality Impact Assessment

Question	Response
1. Name of the policy/practice/activity being assessed	Equality, Diversity and Inclusion Policy
2. Summary of aims and objectives of the policy/practice/activity	To state EHA's commitment and delivery of ED&I for both staff, Board members, tenants and customers
3. What involvement, consultation, engagement has taken place for the policy/practice/activity (e.g relevant groups/stakeholders)	The Director of Operations confirmed that tenant engagement will not be required for this policy, but will be considered as part of the creation of the ED&I Strategy
4. Who is affected by the policy/practice/activity	Staff, Board members, tenants, customers, contractors
5. What are the arrangements for monitoring and reviewing the impact of the policy/practice/activity	The policy is formally reviewed every 3yrs, which includes a review of the EIA. Ongoing monitoring of EHA's delivery against nationally recommended frameworks occurs bi-monthly

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	No		
Gender reassignment	No		
Marriage or civil partnership	No		
Pregnancy or maternity	No		
Race	No		
Religion or belief	No		
Sexual orientation	No		
Sex (gender)	No		
Age	No		

Evaluation

Question	Explanation	
Is it possible the proposed policy/practice/activity could discriminate or unfairly disadvantage people	No - the policy has been written to ensure compliance with the Equality Act 2010 and supporting legislation/guidance	
Decision	Tick the relevant box	Include any justification required
1. No barriers identified – proceed	x	This policy, and all associated practices contained within it, have been written to ensure compliance with the Equality Act 2010, and the supplementary legislation listed in Sec:2.2 of the policy
2. Barriers identified towards one (or more) protected groups – stop		
3. Barriers identified towards one (or more) protected groups – adapt or change the policy/practice/activity		
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so proceed with caution		

Completed by – and date	Caroline Leonard 3.8.21		
Reviewed by	Executive Team – 15.9.21		
Review Date (if applicable)			
Will this EIA be published	All public facing policies (which include the appended EIAs) are uploaded to EHA's website		

Action (To be completed as required)

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

Name	Date	Version	Change
	When published	1	