

Equality and Human Rights Policy

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CORPORATE FIT	
Internal Management Plan	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓



On request, the Association can provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

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1. Introduction

- 1.1 This document outlines the Association's Equality and Human Rights Policy. It has been developed in collaboration with staff, Committee members, members of the Performance Improvement Network and customers by means of consultation, published via the quarterly newsletter and the Association's website.

The Association is a secular organisation and aims to ensure that all employees and customers are treated with fairness and respect and not discriminated against on the grounds of sex, race, marriage and civil partnership, disability, age, religion or belief, gender reassignment, pregnancy and maternity and sexual orientation. These are the 9 protected characteristics defined in the Equality Act 2010.

- 1.2 The policy is supported by an action plan which sets out what the Association will do on a day-to-day basis to help ensure that the policy's objectives are achieved and that the Association can be proactive in its work in equality and diversity.

- 1.3 To help us ensure that those wishing to use our services, which includes the general public, tenants, and contractors as well as our employees, are clear about our commitment to equality of opportunity, the Association will:

- a) Place a notice in reception areas and the interview rooms publicising the policy's existence and that it is available in a variety of formats.
- b) A copy of the policy will be on the Association's website and we will publish an article in the Association newsletter once a year, to highlight its existence.
- c) Continue to ensure that staff and Committee receive appropriate training* in the area of equality and human rights.
- d) Inform all contractors and consultants of the key aspects of the policy.

* Tollcross Housing Association will periodically run equal opportunities training for staff and committee members to enable them to understand their obligations, identify discrimination, and take appropriate action to challenge and address discrimination.

2. The Moral Case for Equal Opportunities

- 2.1 Tollcross Housing Association believes that providing equality of opportunity for its staff, committee members, tenants and other stakeholders is fundamental to the ethos of the Association and that the moral case for equality is as, or even more, important than any legal and regulatory expectations. This belief is a key driver behind this policy and its supporting Equality & Human Rights Action Plan.
- 2.2 Tollcross HA is committed to promoting an environment of respect, understanding, where diversity is encouraged and discrimination avoided. This commitment covers all areas of Tollcross' work both as an employer of staff and a landlord/provider of services. It is also important to note that equality is not about treating everyone in the same way, but cognises that people's needs are met in different ways.
- 2.3 Accordingly there will be a consistent approach to promoting equality and diversity as an employer of staff throughout the entire employment relationship from the recruitment process to termination and references. Whilst as a landlord/provider of services, Tollcross HA will strive to ensure it is fully accessible to everyone using their services, i.e. prospective tenants, tenants, home owners, etc., and that equality of opportunity is provided for all.
- 2.4 The Management Committee wishes to be clear, however, that its work in equalities is motivated by a belief and commitment to ensuring equal opportunities for all, and to do all that it reasonably can in this regard – **we are doing it because we want to and not because we have to.**
- 2.5 Whilst we will make reference to legal, regulatory and best practice requirements to ensure that we are not placing the Association at risk of a legal or regulatory breach, our main motivation in reviewing the policy is because we want to continue to improve our approach in this area.

3. Staff and Committee Responsibilities

- 3.1 Ultimate responsibility for ensuring that the Association conforms to the principles outlined in this policy and strives to achieve the targets set lies with the Management Committee. The Management Committee will monitor the effectiveness of the policy by way of an annual report, and period reports on the delivery of action plan objectives.
- 3.2 Responsibility for ensuring that Committee is kept adequately informed of progress and alerted to any areas of underachievement lies with the Association's Leadership Team. It will therefore be the Leadership Team's responsibility to ensure the quality and completeness of information and recommendations being presented to the Committee.
- 3.3 Line Managers are responsible for communicating our values and Equality and Human Rights Policy to new employees at induction training and ensuring the successful implementation of the policy. Similarly, the committee's chair and the Leadership Team will ensure the association's Equality and Human Rights commitments are part all new committee member induction.
- 3.4 Each member of our staff has a personal responsibility for the implementation of this policy and for ensuring they treat others with respect and dignity in both employment and service delivery.
- 3.5 All employees have a responsibility to be alert and to challenge behaviours and practices which result in unfair discrimination when they occur. Where a member of staff believes such behaviour is occurring they must draw the matter to the attention of their Line Manager to ensure the matter is dealt with immediately.
- 3.6 Tollcross HA will seek to ensure all contractors and consultants it appoints have an equalities policy, which is acceptable to Tollcross HA. Confirmation of such a policy will be required, in writing, for contractors / consultants remain on any "approved" list. Contractors or consultants who fail to comply with good employment practices (e.g. fair wage, good working conditions, etc.) will be removed from any "approved" list.

When working with organisations employing less than ten people, it will be acceptable for the organisation to confirm its willingness to operate in

accordance with the Tollcross HA's Equality policy, and with any additional requirements Tollcross HA specify for a particular contract.

Tollcross HA expect contractors, consultants, etc. to treat the association's customers and employees with courtesy and respect at all times. We will not tolerate any form of discrimination or harassment.

4. Legal, Regulatory and Good Practice Framework

- 4.1 This Policy on Equality and Human Rights takes account of legal, regulatory and best practice requirements, including (but not limited to):
- a) The Equality Act 2010
 - b) The Housing (Scotland) Act 2014
 - c) The Scottish Housing Regulator's "Regulation of Social housing in Scotland" framework published in February 2019
 - d) The Scottish Housing Regulator's: "Collecting Equality information: National Guidance for Scottish Social Landlords" (revised April 2022). This will be referred to as 'SHR data collection guidance' through the rest of this policy
 - e) The Scottish Social Housing Charter Outcome Number 1
 - f) The Scottish Housing Regulator's "Standards of Governance and Financial Management" and in particular Section 5.3 of the Standards
 - g) Human Rights Act 1998
 - h) The Equality and Human Rights Commission "Human Rights at Home" guidance for social housing providers
 - i) The Scottish Federation of Housing Associations "Getting the Balance Right" good practice guidance
- 4.2 The Scottish Government published the Scottish Social Housing Charter in March 2012 and it came into effect on 2 April 2012. The revised Charter came into effect in April 2017. The Government's commitment to ensuring that RSLs behave in a way that promotes equality and human rights and seeks to eliminate discrimination is characterised by the fact that Outcome Number 1 addresses Equalities.
- 4.3 Section 5 of the Regulatory Standards for Governance and Financial Management requires RSLs to "conduct their affairs with honesty and integrity and, within this, RS5.3 requires RSLs to pay "due regard to the need to eliminate discrimination, advance equality and foster good

relations across the range of protected characteristics in all areas of its work, including its governance arrangements”.

- 4.4 Tackling inequality is not something new, UK and Scottish Governments have been addressing equality and diversity issues for many years and although progress has been made, inequalities still exist within Scotland and the UK. This has led to both Westminster and Holyrood governments continuing to develop legislation designed to tackle discrimination, promote equality and address inequalities.

This has included the development of the Equality Act 2010 by the UK Government, and the Housing (Scotland) Act 2010 by the Scottish Government, and this policy takes account of both of these acts.

The objective of this policy is to ensure Tollcross HA not only actively promotes equality of opportunity as an employer and provider of services, but is compliant with various legislative and regulatory requirements including:

- The Housing (Scotland) Act 2010
- The Scottish Social Housing Charter
- The Equality Act 2010
- The Scottish Housing Regulatory Framework
- Human Rights Act 1999

This policy will discuss each of these in turn.

4.5 The Housing (Scotland) Act 2010 & Scottish Social Housing Charter

- 4.5.1 Although equality is a matter reserved to the UK parliament, the Scottish Parliament has powers under the Scotland Act 1998 to “encourage and promote” equal opportunities”. Accordingly, the Housing (Scotland) Act 2010 states:

“Social Landlords, when performing housing services, must act in a manner which encourages equal opportunities and in particular the observance of the law for the time being relating to equal opportunities.”

This means Tollcross HA is legally obliged to comply with the Equality Act 2010, and any other equality legislation passed by Westminster (UK wide legislation) or Holyrood (Scottish Legislation).

4.5.2 The Housing (Scotland) Act 2010 also established the **Scottish Social Housing Charter**, which set out the Scottish Government's and Scottish Housing Regulator's (SHR) expectations for Scotland's Registered Social Landlords (RSLs).

The Scottish Social Housing Charter's Equalities Outcome sets out the Scottish Government's expectation 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."

4.6 The Equality Act 2010

The Equality Act 2010 was developed by the UK government to deliver two key objectives which were:

- To harmonise discrimination law by consolidating nine major pieces of legislation (e.g. the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, etc.) into a single Act, and
- To address issues of inequality experienced by various groups within society.

The Act, which applies to both Tollcross HA staff and its customers centres on two key elements, which are:

1. The identification of nine "protected characteristics" who require additional protection.
2. The identification of "unlawful behaviour" not allowed under the act.

4.6.1 Protected Characteristics

The act identified the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage, and Civil Partnership
- Pregnancy & Maternity
- Race
- Religion or Belief

- Sex (Gender) and
- Sexual Orientation

Further definitions of each of these characteristics is available in the SFHA “Getting the Balance Right” good practice guidance.

4.6.2 Unlawful behaviour

The key elements of unlawful behaviour, which should be avoided as both an employer and a provider of services, as set out within the act are defined below:

Direct Discrimination – Is treating someone less favourably than others based on a protected characteristic e.g. *refusing to give housing advice to someone because of their sexual orientation or not hiring someone because of their religion*

Associated Discrimination – Discrimination against a person, because they have an association with someone with a particular protected characteristic, e.g. *someone not appointed, despite being the best candidate, due to having a disabled dependent.*

Perceptive Discrimination – Discrimination against a person because the discriminator thinks the person possesses that characteristic, e.g. *not shortlisting a person for interview as 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 or two people of the same sex suffering homophobic abuse because they share a house even though they are straight.*

Indirect Discrimination – A policy, practice, procedure, provision or criteria that applies to everyone, but might disadvantage a particular protected group, and cannot be objectively justified, e.g. *not letting properties to people under a certain age, because it is believed as a group, they generally act in an anti-social way.*

Harassment – Conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment. The intention of the perpetrator is irrelevant; it is the impact on the individual which determines if harassment has taken place, e.g. if a tenant with learning difficulties is frequently called offensive names by a neighbour

The Association must also be aware of their responsibility with respect to “Harassment by a Third Party”. As an employer, the Association is potentially liable for the harassment of their staff or customers by people they do not themselves employ, for example a contractor or consultant and should act accordingly if this takes place.

Victimisation – Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else’s discrimination complaint, e.g. *a member of staff making an allegation of discrimination about a fellow member of staff leads to other staff members no longer talking to the staff member or someone being given all of the worst shifts due to making a complaint against a manager*

Institutionalised Discrimination – This was first defined in the context of racism and exemplified in the Macpherson report on the inquiry into the death of Stephen Lawrence as “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”

The Equality Act challenges organisations to be as diverse as possible, and to have the principle of equality at their heart. Tollcross Housing Association is fully committed to meeting these challenges and to that end has defined Diversity and Equality as follows:

Diversity

Is about valuing individual differences. Tollcross Housing Association is committed to valuing and managing people’s differences to enable all employees, committee members, tenants, etc. to contribute and realise their full potential. Tollcross Housing Association recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit Tollcross Housing Association and its customers.

Equality

Is making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but recognises that their needs are met in different ways. Equality focuses on those areas covered by the law, and described as the Protected Characteristics.

Other important terms

Positive Action

The Equality Act (2010) allows organisations to address imbalances in the workforce or in service provision. An example of this would be encouraging members of underrepresented groups to apply for jobs or to access services.

Failure to make Reasonable Adjustments

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

Under the Equality Act (2010) Tollcross Housing Association are expected to make reasonable adjustments to help staff with disabilities gain employment or to stay in their role, and help customers access Tollcross Housing Association's stock and services

4.7 The Scottish Housing Regulatory Framework

In February 2019 the Scottish Housing Regulator (SHR) published their new regulatory framework through the publication of the "Regulation of Social Housing in Scotland". This new framework took effect from 1st April 2019 and sets out "how (SHR) regulate both Registered Social Landlords (RSLs) and the housing and homelessness services provided by local authorities."

Section 3 of the framework outlines their regulatory expectations of every RSL with respect to equality and human rights, as follows:

"Have assurance and evidence that it considers equality and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.

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."

These expectations are reflected in this policy and the Association's action plan. This will include:

- How the Association will review, and updates, how it monitors the composition of its tenants, prospective tenants, staff, Committee and membership against the nine protected characteristics outlined in the Equality Act (2010).
- Review and update its use of Equality Impact Assessments to ensure new and revised policies take account of Equality and Human Rights issues.
- Ensuring that periodic training is in place for staff and Committee members to ensure they are aware of their obligations with respect to Equality and Human Rights.

4.8 Data Collection and monitoring

Data collection

Tollcross HA is committed to promoting equality and human rights in all aspects of its business and ensuring discrimination is avoided as both an employer and a landlord / provider of services. Tollcross HA feels the collection of equality data as outlined in the 'SHR data collection guidance' "... is integral to a social landlord's equality strategy" and is committed to ensuring it uses "Equality data to deliver quality services to tenants and other customers".

This led to Tollcross HA holding separate working groups with its staff and committee which informed the development of an equality monitoring form based on the model equalities monitoring form contained within 'SHR data collection guidance' and deciding equality data should be collected anonymously from all five groups outlined in the guidance (housing applicants, tenants, job applicants, staff and committee members) as opposed to linking information to individuals.

The decision to collect information anonymously was a carefully considered one based on clear evidence, which can be made available on request. This included the committee's opinion that anonymous collection would lead to a higher return rate, the high amount of staff time and resources which would be involved in collecting and using linked information, the data protection implications of collecting linked information, etc.

However, the committee recommended the decision to collect information anonymously be reviewed periodically by themselves and senior staff, including a review one year after data is collected for the first

time. The committee further recommended if it is considered linking information to individuals would be more beneficial to the association then the approach to data collection would be amended.

Tollcross HA's approach to data collection is outlined in full within their action plan which is attached to this policy and embedded in the association's business plan.

Tollcross HA will treat all personal data in line with its obligations under current data protection regulations and its Data Protection Policy. Information regarding how data will be used and the basis for processing data is provided in Tollcross HA's transparency statement (available on our website).

Data monitoring

In accordance with the Scottish Social Housing Charter and the 'SHR data collection guidance' the committee will monitor the implementation of this policy regularly through analysis of statistical reports regarding the nine protected characteristics identified in the Equality Act (2010), in relation to:

- Applicants for housing or employment
- Allocations and appointments made
- Employee, tenant and board profiles

In addition, the committee will receive regular monitoring reports, which identify any emerging trends in:

- Access to housing - who has applied, who has been allocated a house, and by what process (e.g. direct applicant, nomination or referral)
- Housing allocations - where applicants were housed, and types of housing allocated (especially if any Equalities need was addressed)
- Access to employment - who has applied, and been appointed, to vacancies within Tollcross HA

Where reports reveal particular issues (e.g. under representation) appropriate action will be agreed by the committee / senior staff.

Please note: The various legislative and regulatory obligations outlined in this policy are not exhaustive and Tollcross HA will take account of any

new UK or Scottish regulations or legislation and revise its Equality action plan and / or policy accordingly.

In addition, tenants and housing applicants were not asked to provide information about Marriage / Civil Partnership or Maternity or pregnancy as this information is gathered elsewhere by the association.

4.9 The Human Rights Act (1998)

- 4.8.1 The Act's development followed the World War 2 when to avoid the atrocities seen during the war nations agreed all people should enjoy basic rights, like the right to life and the right to be free from torture. This led to a series of agreements called international 'treaties' or 'conventions' being established to outline the basic levels of treatment all individuals deserve because they are human, and the UK signed up to the European Convention on Human Rights (ECHR).

The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law and came into force in the UK in October 2000. The act contains 16 articles which cover a range of rights with a basic aim is to ensure that everyone should be treated fairly, with dignity and respect.

In 2012, the Equality and Human Rights commission produced "Human Rights at Home" guidance for social housing. Tollcross recommends that its staff refer to this guidance if they have any questions regarding the human rights act. This guidance recommends that staff pay particular attention to articles 6, 8 and 14 when providing services, developing policies and procedures, etc.

This policy will cover each of these three articles in turn.

ARTICLE 6: Right to a Fair Trial

Everyone has the right to a fair hearing (trial) means people should be given the opportunity to participate effectively in any hearing of their case, and to present their case in conditions which do not place them at a substantial disadvantage when compared with the other party in the case for example a person who is subject to a decision-making process in relation to a possible eviction should have access to an interpreter, if necessary. Staff should also ensure that any important decisions i.e. allocations, evictions, etc. should be given with reasons.

ARTICLE 8: Right to Respect for Private Life, Family Life and the Home

Everyone has the right to respect for their private and family life, their home and correspondence. It is important to emphasise that the right to respect for a person's home is not a right to be given any extra priority to be housed by an association, but is a person's right to access and live in their home without intrusion or interference. For associations this has various implications including:

- Personal information about customers should be kept private and confidential.
- The right to respect for family life includes the right for a family to live together
- NVHA should take positive steps to prevent others seriously undermining a person's home or private life, for example, through anti-social behaviour

ARTICLE 14: Prohibition of Discrimination

This means that everyone must have equal access to an association's housing and services, regardless of their race, religion, gender, sexual orientation, disability, or any other personal characteristic. For example a gay couple must be treated in the same ways as a heterosexual couple in relation to the right to succeed to a tenancy.

A difference in treatment can only be justified if there is a good reason for the treatment and if it is proportionate in the light of that reason for example an association provides sheltered housing to people over a certain age in accordance to its rules and procedures.

5. Policy Statement, General Principles and Protected Characteristics

5.1 The policy has two main aims:

- to ensure that no person, group of persons or organisation who deal with the Association in any way or who requires a service, assistance or advice from the Association, or who is employed by (or serves) in any capacity by the Association¹ is treated less favourably than any other person, group of persons or organisation – put more simply, anyone who has any sort of contact with Tollcross Housing Association.

¹ This includes Committee members, contractors, consultants, agents and anyone attending in a voluntary capacity for work experience.

- To promote the policy so that anyone dealing with the Association in any capacity is made aware that the Association has a policy and that there is a zero tolerance of any act which contravenes the policy / policy principles in any way.
- 5.3 To help achieve the main aims as outlined in section 5.1, the Association has devised the following statements, which will form the basis of the separate action plan.
1. Raise awareness of the Association's equal opportunities commitment
 2. Actively assist equality groups within the local community to benefit from its housing services
 3. Ensure equality of opportunity and treatment for all people in relation to the employment of staff
 4. Ensure that all staff and committee are aware of the Association's commitment to, and obligations in relation to, equality and human rights.
 5. Be mindful of its equalities commitments in relation to the procurement of contractors/consultants.
 6. To periodically collect, collate and analyse appropriate data, and use it to enhance the Tollcross HA's services, and assess how reflective the Tollcross HA is of its community
- 5.4 The delivery of the action plan will be reviewed annually by the Management Committee. In addition, the delivery of individual action plan aims will be reported to the Committee by the lead officer identified in the action plan according to the timescales outlined in the action plan.

6. Ensuring equality of opportunity as a service provider

- 6.1 As a provider of services, Tollcross HA aims to comply with, and exceed, regulatory and legislative expectations by promoting social inclusion, providing equality of access and eliminating unlawful discrimination in the delivery of their services.

To achieve this Tollcross HA will seek to:

- Treat people respectfully, politely, and in a way that maintains their dignity

- Ensure no customer receives less favourable treatment or is disadvantaged by conditions or requirements, which cannot be shown to be justifiable
- Respect community diversity and ensure that all services and opportunities offered by Tollcross HA, and their partner organisations, are promoted appropriately and accessible to all sectors of our community
- Ensure good communication with all sections of its community, including traditionally excluded groups, by providing full, clear, accurate and accessible information regarding Tollcross HA and its services
- Consult with different individuals, communities and organisations to ensure Tollcross HA's services are responsive and reflect the diversity of their community

6.2 Service Delivery

Tollcross HA aims to understand the needs / preferences of the diverse communities they serve **and** develop appropriate services in response. Furthermore, we will strive to ensure that our buildings, staff and services are accessible to all customers, and potential customers.

To achieve these aims, Tollcross HA will seek to:

- Promote our services to as wide a cross-section of people as possible by using a range of accessible / alternative formats
- Develop a database of customers' communication preferences
- Gather information about the communities we serve to help plan their services
- Build links with local voluntary and community groups who work with, or represent, groups of people covered by this policy (i.e. protected characteristics)

Two key areas where equality of opportunity underpins Tollcross HA's work are providing "access to services" and the "allocation of properties."

6.3 Access to services

Tollcross HA will take positive action to ensure that all members of the community are aware of the services it provides and seek to ensure that all people benefit equally from its services.

The Association will be open about what it is doing, and ensure that all policies and procedures are openly and widely advertised.

The Association will provide tenants with full, clear and accurate information about their particular tenancy in compliance with the law and good practice guidelines. This information will be accessible to all. An oral explanation will be given at the beginning of the tenancy. Tenancy agreements will not contain any unduly restrictive or unnecessary conditions.

The Association will avoid being seen as inaccessible to those in housing need and take any necessary action as reasonably practical to meet these needs (e.g. access for disabled people, flexible availability (e.g. home visits or early / late appointments)). The Association will ensure that no communication barriers are put in place or maintained.

6.4 Ensuring Equality of Opportunity in Allocation of Properties

Tollcross HA allocations policy is clear, comprehensive and unequivocally non-discriminatory, providing equal access for all. All selection and allocation procedures are designed to deal quickly and fairly with applicants for housing. Tollcross HA will ensure proper recording, reporting and monitoring procedures are in place.

In addition, Tollcross HA is fully committed to the principles of its policy and strives to ensure its allocations practices and procedures are non-discriminatory and based around each applicant's housing need. Moreover, Tollcross HA will ensure its housing list is open to all by encouraging applications from all sections of its community throughout the year.

It is important to highlight that Tollcross HA's allocation's policy and procedures allows referrals from outside organisations (i.e. social work) working with tenants with specific needs (i.e. access needs, additional support, etc.) to be considered sensitively where possible.

6.5 Publicising of the Allocations Policy

Tollcross HA will make its Allocations policy available in other languages and formats (such as in Braille, in larger font or on audio tape) if requested, at a number of locations including:

- At Tollcross HA's office, and other locations (e.g. advice and learning centre)
- On Tollcross HA's website

6.6 Rent arrears

All rent arrears will be dealt with sensitively and fairly. The Association will have policies and procedures highlighting the importance of arrears prevention, and action for control and recovery. Our rent arrears policy and procedures will also take account of any reasonable adjustments, which have to be made regarding how the process is carried out when dealing with tenants with specific needs (i.e. providing documents in larger fonts, providing access to interpreters / translation services, working through advocates, etc.)

6.7 Maintenance and Repairs

Tollcross HA will seek to ensure properties are kept in good repair and installations maintained in proper working order to ensure properties are fit for human habitation and no defect places any person in potential danger. However, where cause for complaint arises, attention will be paid to tenants' complaints concerning disrepair and service provision, including seeking to ensure that tenants are able to report their complaints in their own language.

As maintenance is one of the most important services provided to tenants, Tollcross HA will seek to ensure all tenants receive the same quality of service.

Publicity material on maintenance and repairs will reflect contractual and legal rights and will be available where possible in suitable format on request (Tollcross HA will bear any reasonable costs).

7. Positive Action

7.1 The Act outlines two types of positive action which, in certain circumstances, are permissible:

- *General*
If the Association believes that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, then action may be taken to help overcome the disadvantage or address the needs. The Act points out that any action should be proportionate.
- *Recruitment and Promotion*
An example could be addressing imbalances in the workforce by encouraging members of underrepresented groups to apply for jobs. Positive action may be applicable in setting equality targets aimed at encouraging people from a particular group or groups to apply for a vacancy but no quotas will be set.

8. Equality Impact Assessment

8.1 An Equality Impact Assessment (EIA) tool has been prepared to ensure EIAs are carried out when introducing new or reviewing existing policies. In line with good practice the completed EIA will be published alongside the policy to which it relates.

8.2 The finalised EIA tool will take account of advice, recommendations and good practice outlined by the Equality and Human Rights Commission (EHRC) and the SFHA's "Getting the Balance Right" good practice guidance.

- 8.3 The EIA is accompanied by guidance on how to use the tool, and any staff member using the tool for the first time will be supported by an external consultant or a member of the Senior Management Team.
- 8.4 Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.

9. Risk Management

- 9.1 The Association recognises the potential risks should we fail to adhere to the Equality and Human Rights Policy and/or the accompanying Action Plan. It is not only the Association's credibility that would be compromised, but that of the Management Committee should there be a major deviation from policy. In order to combat this, Section 15 of this policy outlines the method of investigation that would be adopted should any allegation of a breach be made.

10. Communications in Alternative Formats

- 10.1 One of the ways in which people can be indirectly discriminated against is by information sometimes being inaccessible. For example, a visually-impaired resident may not be able to read the allocations policy in the print size usually available. Similarly, someone whose first language is not English may not be able to communicate effectively with staff.
- 10.2 To help combat this, the Association will provide information to customers in any special formats as required. Special formats may include:
- Large print
 - CD
 - Translations into community languages
 - Use of language or sign interpreters/other preferred methods for those hard of hearing
 - Braille

Please note that it is impractical to have all possible formats available immediately. Our commitment therefore relates to the ability and willingness to produce documents in the formats required (or an interpreter if requested) within a period of three days. All reasonable costs in relation to this will be borne by the Association.

- 10.3 During the development of this policy, we consulted with the Royal National Institute for the Blind (RNIB) on font size. The RNIB have confirmed that all letters, policies and information being produced should be in 12 point Arial as standard with larger font available on request complies with their Clear Print Guidelines. It is proposed that this will therefore be our policy but, as part of the Equality and Human Rights Action Plan, we will discuss how we can identify more customers who would benefit from receiving all communications from us in large font and other community languages (we identified a small number of people during the full tenant satisfaction survey in 2016 and continue to seek out more using the monthly satisfaction surveys).
- 10.4 To ensure that this strategy is effective, the availability of documents in other formats will be publicised on our website and on the notice board within the interview rooms.

11. Publicising The Equality and Human Rights Policy

- 11.1 It is absolutely critical that the policy is publicised if it is to stand any chance of being successfully implemented. The level of interest in the policy will vary from one person to another depending on a whole range of factors. To help respond to this, we will publicise the policy in the following ways:
- a) We will consult with local residents during community events.
 - b) We will consult directly with our Performance Improvement Network members.
 - c) We will provide a consultation platform for our customers and service users via our website and quarterly newsletters.
- 11.2 All employees, applicants for employment and contractors will be notified of the existence of the policy and will be asked to familiarise themselves with it within a week of it being approved, or within five days of returning to work for anyone who is absent when the policy is reviewed (the Corporate Services Director will send an email to all staff informing them that it has been approved and signposting them to the Intranet). Management Committee and Staff members have already undertaken training and have been encouraged to raise any queries they have relating to the policy to their line manager in the first instance.

- 11.3 Copies of the policy will automatically be provided for successful job applicants within their Induction pack and contractors being used by the Association, within the Contractor Application form.
- 11.4 Committee members will continue to receive on-going equality and human rights training and will be involved in approving the final document. All members will be encouraged to keep up to date with development in the area of good practice in equality and diversity.

12. Target Setting

- 12.1 Whilst embracing the principles of equality and human rights is something that the Association takes very seriously, it is nonetheless important that there is some system in place to demonstrate that we actually achieve our objectives (or, perhaps more importantly, to highlight areas where we do not). In other words, we must ensure that this policy statement is not used merely to pay lip service to equality and human rights.
- 12.2 One of the ways of doing this is to develop a set of targets against which our performance can be quantified - it is crucial-that we set a range of targets that are realistic and achievable for the Association, otherwise the Committee risks a seemingly poor performance in this area.
- 12.3 It is proposed that we incorporate targets – within the Equality and Human Rights Action Plan and evaluate the position every twelve months. These targets will be informed by the monitoring information gathered by the Association with respect to tenants, prospective tenants, staff and Committee members and Association members. This will be the composition of each of these groups against the nine protected characteristics outlined in the Equality Act (2010).

13. Identifying Problems and Taking Remedial Action

- 13.1 Because the Association is reviewing progress against the Equality and Human Rights Action Plan on an annual basis, areas where there may be problems will be flagged up so that remedial action can be taken.
- 13.2 It is not possible to be prescriptive about how the Association should identify problems and take appropriate action in this policy statement as there are too many potential outcomes, all different from each other. The general process to be followed by staff is: -

- a) Advise Committee of the underachievement
 - b) Outline action already taken to achieve the objective
 - c) Make suggestions for further action (e.g. in consultation with other RSLs who may have solved similar problems)
 - d) Agree refinements to the Equality and Human Rights Action Plan and implement these.
- 13.3 Realistically, it may emerge that some tasks are difficult to achieve and this is something that the Association recognises. This does not mean, however, that we will cease trying to achieve these. The Association will do all that is possible and reasonable to ensure that equality and human rights targets are met.
- 13.4 Tollcross HA will respond promptly to any complaints and treat complaints involving discrimination, harassment or victimisation very seriously, and ensure such complaints are tackled in with agreed targets.

In response, to the Scottish Public Services Ombudsman (SPSO) revising its model complaints handling procedure (in March 2021) Tollcross HA updated its complaints handling policy. The SPSO model procedure highlighted the importance of ensuring the complaints process is accessible for all, when it stated that it:

"... should take into account individual requirements, for example disabled people, people with learning difficulties, people who are deaf or hard of hearing (including British Sign Language users), people with a visual impairment and people whose first language is not English. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, access to support or advocacy, and information in a variety of formats and languages, at suitable venues, and at suitable times."

The need to ensure complaints procedures are as accessible as possible was also highlighted in 'SHR data collection guidance'. Tollcross HA will therefore ensure its complaints process is accessible and easily available in a variety of places and formats.

In accordance with SPSO expectations Tollcross HA will ensure its committee receive quarterly complaints' reports, which separate complaints related to equality issues from general complaints.

Tollcross HA's complaints policy sets out in detail how complaints against employees, board member, contractors and any others working with, or on behalf of the organisation will be investigated and dealt with. This includes complaints of discrimination and any other contravention of this policy.

14. Dissemination of Key Targets and Performance

- 14.1 The Committee will consider an annual report on equality and human rights at its April or May meeting. This will be produced by the Leadership Team and will be based on the outturn figures to the end of March.
- 14.2 In May or June, this performance will be summarised in the "Annual Statement on Equality and Human Rights". This will be distributed to all tenants and members within the Summer newsletter and posted on the website.
- 14.3 The Association will report clearly on its performance, and this will include highlighting areas where targets have not been met.

15. Breaches of The Equality and Human Rights Policy

- 15.1 The Association has a policy of zero tolerance as far as discriminatory practices and breaches of equal opportunities are concerned.
- 15.2 Any allegations against a member of staff or Committee will therefore be investigated thoroughly by the Association's Chief Executive. If the allegation is made against the Chief Executive, the investigation will be conducted by the Chairperson and an appropriate member of the Leadership Team (not directly involved).
- 15.3 Before the investigation begins, the Association will seek advice from Employers in Voluntary Housing and/or the Association's solicitor. Unless there is very good reason not to, the advice given will be followed.
- 15.4 The member(s) of staff/Committee member(s) should be advised of the allegations and informed of what action the Association is planning to take by way of investigation. They should also be advised to contact an independent representative, such as a solicitor or Trade Union representative.

- 15.5 The Association's disciplinary procedures for staff and code of conduct for Committee should then be followed as appropriate.
- 15.6 If the allegation is against a resident of the Association's property, the Chief Executive should ensure that the solicitor is contacted for advice (as there may be tenancy implications under certain circumstances).
- 15.7 In the event that our tenant(s) or other customer(s) display unacceptable behaviour towards staff, Committee members or consultants, we will consider initiating appropriate action, e.g. taking action against the tenancy; reporting the matter to Police Scotland; or reviewing communication arrangements with the Association. We would investigate these matters in keeping with our Unacceptable Behaviour Policy.
- 15.8 In breaches of this policy by consultants, contractors or service providers, we will consider the level of breach and any recurrence to inform our decision on whether to terminate the contract.
- 15.9 In situations where a Committee member or Leadership Team member is alleged to have breached this policy, this would constitute a notifiable event as outlined by the Scottish Housing Regulator. The notifiable event would be reported to the Regulator by the Chief Executive or the Chairperson, depending on the person(s) alleged to have breached the policy. In the event there is a serious breach by the Chief Executive, the Policy on how to Handle a Serious Complaint made about the Chief Executive would be initiated.

16. Policy Review

- 16.1 As a strategic document, the Association's Equality and Human Rights Policy will be reviewed every three years. The next review will therefore take place in February 2026.
- 16.2 As an operational document, the Equality and Human Rights Action Plan will be reviewed by the Management Committee quarterly. Individual objectives will be periodically updated according to the timescales identified in the action plan.