



# Equality, Diversity & Inclusion Policy

Approved by the Management Committee 27 May 2025

Next Review: May 2028

## 1. Introduction

Blochairn Housing Association (BHA) is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all.

Equality is not always about treating everyone in the same way but recognising that people needs may sometimes be met in different ways.

We aim to ensure that all employees and service users are treated with fairness and respect and not discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are the nine protected characteristics and we are committed to ensuring that our policies and procedures promote equality.

There will be a consistent approach in promoting quality and diversity across all areas of BHA through our engagement and provision of services to tenants, residents and other service users, the recruitment and retention of employees, procurement and contractual arrangements with contractors, consultants and service providers and in our partnerships with others external agencies.

This policy also covers discrimination by and towards members of the public, governing body members, employees, contractors, consultants and employees from other agencies working on behalf of BHA.

We oppose all forms of unlawful discrimination and will take a zero-tolerance approach and take appropriate action against any individual or organisation displaying such behaviour.

HFL's Management Committee (Committee) is responsible for approving this Policy, and for overseeing its implementation. The Senior Staff team have operational responsibility for policy implementation, and for reporting to the Committee on areas relevant to equality and diversity.

## 2. Purpose of the Policy

The purpose of the Equality & Diversity Policy is to outline our commitment to achieving equality and diversity and ensuring a consistent approach in promoting this throughout the organisation in all aspects of our operations and service provision.

The Policy addresses the legal and regulatory requirements we must meet, and how we will translate our own mission, vision and values into tangible outcomes that will benefit our customers, communities, employees, Committee members and external stakeholders.

BHA are committed to ensuring our people and the tenants and residents in our communities do not face discrimination, victimisation, harassment or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

### 3. Aims and Objectives of Policy

The aims and objectives of this policy is to provide a clear understanding of our commitment to ensuring that equality and diversity is central to everything we deliver.

These aims and objectives include:

- Eliminating discrimination and advancing equality of opportunity for all, in our role as a housing provider and employer;
- Treating all of our tenants, residents, service users, employees and those who engage with us fairly and with dignity and respect;
- To show zero tolerance of harassment and hate crime;
- To comply with relevant legislation, best practice guidance and regulatory requirements;
- To encourage our partners, contractors and suppliers to promote equality, respect diversity and prevent discrimination;
- Ensure integration with equality and diversity practices into all our work and activities, and ensure that employees are treated with fairness and respect from each other and from members of the public, Committee members and contractors;
- Ensure we implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds;
- Ensure people are recruited to our employee team, Committee and other groups solely based on their own merit, experience, ability and potential and in line with BHA's culture and business needs;
- Provide a supportive and inclusive environment appropriate to the needs of those from all walks of life, and offer a culture that respects and values each other's differences and promotes dignity, equality and diversity;
- Using the collection of data to provide appropriate services to all employees, tenants and other customers;
- Provide accurate and clear information to all employees, Committee members, tenants and other service users in relation to equality and diversity.

Fundamentally the aims and objectives of our Equality & Diversity Policy is to ensure that we take appropriate consideration of the legislation and good practice to provide an environment which is open to all, has a zero tolerance approach on any forms of discrimination and recognises the individuality of any individual who comes into contact with BHA.

## 4. Legal and Regulatory Framework

BHA will meet all of our legal and regulatory obligations as set out within the following legislation:

- a) The Equality Act 2010
- b) The Human Rights Act 1998 and associated European Union directives
- c) The Housing (Scotland) Acts 2001 and 2010
- d) The Housing (Scotland) Act 2010 – Scottish Social Housing Charter
- e) SHR Regulatory Standard on Equality

**The Equality Act 2010** sets a UK-wide legal framework for protecting the rights of individuals and for advancing equality of opportunity for all. There are nine “protected characteristics” listed in the Act:

Age; Disability; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Gender (referred to as “sex” in the Act); Gender reassignment; Sexual orientation.

**The Human Rights Act 1998** specifies that every individual has the right to own and enjoy the ownership of property; the right to respect for private life; the right to respect for family life; and the right to respect for their home.

The Act provides protection against discrimination with regard to any of these rights and could affect many of the housing and other services that BHA provides.

**The European Convention on Human Rights** contains articles setting out the rights that are protected, while alleged breaches of the articles are heard by the European Court of Human Rights (ECHR). It is likely that the status of the Act and the jurisdiction of the ECHR will change now that the UK has exited the European Union. The policy will be updated to reflect this as the legislation changes.

While equal opportunities is a matter reserved to the UK Parliament, the Scottish parliament also has powers under the **Scotland Act 1998** to “*encourage and promote*” equal opportunities.

Equal opportunities requirements are written in to section 106 of the **Housing (Scotland) Act 2001**, amended by the **Housing (Scotland) Act 2010, section 39** which states

*“Social landlords when performing housing services must act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements of the law for the time being related to equal opportunities”.*

**Regulatory Framework - The Scottish Social Housing Charter** came into effect on 2 April 2012. Outcome Number 1 addresses Equalities, it states:

*“Social landlords perform all aspects of their services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.”*

The Regulation of Social Housing Scotland was updated by the Scottish Housing Regulator in February 2019, in the form of **the Regulatory Framework February 2019. Section 3, Regulatory Requirements** requires RSL’s to:

*“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”.*

The **Scottish Housing Regulator** also introduced the **Regulatory Standards of Governance and Financial Management - Standard 5**

*“The Registered Social Landlord (RSL) conducts its affairs with honesty and integrity”.* Section 5.3 of this Standard states *“The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including governance arrangements”.*

## 5. Types of Discrimination

The Act outline types of discrimination, as well as positive action that organisations can take in certain circumstances.

The Act specifically contains types of discrimination and these are outlined below at section 5.1 and in addition a further category of discrimination has been included which is defined as institutionalised discrimination.

### 5.1 Discrimination

#### 5.1.1 Direct Discrimination

This is less favourable treatment of an individual or group, because of a protected characteristic. An example of this would be to refuse to employ somebody because they had an impairment, which had no relevance to their ability to carry out the job they had applied for.

#### 5.1.2 Associated Discrimination

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a non-disabled person is discriminated against because they need to take care of disabled dependent.

#### 5.1.3 Perceptive Discrimination

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to. For example, a person is not shortlisted for a job on the basis that the

recruiter assumes the applicant does not have the correct visa to work in the UK as they have a perceived foreign name on their application form.

#### 5.1.4 Indirect Discrimination

This is when an apparently neutral requirement or condition impacts adversely or has a disproportionate effect on a particular equality group. An example of this could be a policy, practice or procedure that applies to everyone in the same way but might disadvantage a particular group and which cannot be objectively justified in relation to the job.

#### 5.1.5 Harassment

This occurs when a person engages in unwanted conduct which is related to a protected characteristic, and which has the purpose or the effect of (i) violating the dignity of another person or (ii) creating for that person an intimidating, hostile, degrading, humiliating or offensive environment. An example might be displaying a sexist calendar on a wall where this makes the workplace an offensive place to work for any employee. The intention of the perpetrator is irrelevant; it is the impact on the individual that determines whether harassment has taken place.

#### 5.1.6 Harassment by a Third Party

As an employer, the association is potentially liable for the harassment of their employees or service users by people they do not themselves employ, for example a contractor or consultant.

#### 5.1.7 Victimisation

This occurs when someone faces discrimination because she or he has made an allegation of unlawful discrimination or because of assisting or supporting a complainant. An example might be refusing to consider someone for a promotion because they gave evidence on behalf of a colleague who made a complaint of unlawful race discrimination.

#### 5.1.8 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.” BHA extends the above to cover all actions where these are related to protected characteristic.

BHA is keen to emphasise, however, that it will not tolerate any sort of unfair treatment or discrimination on any grounds.

In addition to the above, therefore, our zero tolerance will be broadened (but not confined) to the following:

- a) National origin

- b) Cultural background**
- c) Ethnic origin**
- d) Tenure**
- e) Issues related to literacy or numeracy**
- f) Employment status**
- g) Domestic circumstances**

Each of the above is equally important, and we will take all reasonable steps to ensure that no discrimination, whether deliberate or inadvertent, occurs.

## 5.2 Positive Action

The Act outlines two types of positive action, which, in certain circumstances, are permissible which are “general” and “recruitment and promotion”.

### 5.2.1 General

If BHA believes that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, and then action may be taken to help overcome the disadvantage or address the needs. The Act points out that any action should be proportionate.

### 5.2.2 Recruitment & Promotion

An example could be addressing imbalances in the workforce or Committee by ‘positive discrimination’ and encouraging persons of underrepresented groups to apply for any advertised vacancies either within the staffing complement or the Committee.

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.

We will periodically assess the demographic profile and ethnic backgrounds of our employee, Committee and our members to review the level of representation with our tenants and other service users in our work. We will then take positive action to ensure recruitment seeks to address any imbalances.

## 5.3 Other Equality Definitions and Considerations

### 5.3.1 Equality

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 9 protected characteristics of race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

### 5.3.2 Diversity

Diversity is about valuing individual differences.

We are committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. We recognise that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit the association and the communities in which we operate.

### *5.3.3 Protected Characteristics*

The 9 grounds on which discrimination claims can be made:

Age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, and sexual orientation.

### *5.3.4 Failure to make Reasonable Adjustments*

Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage, e.g. physical environment, attitudes, policies and/or procedures.

BHA recognises the significance of meeting equality and diversity legislation and good practice and the potential consequences should we fail to adhere to this Equality & Diversity Policy.

Failure to implement an effective equality and diversity policy and culture within the organisation could have a significant adverse effect on both the organisation's role and purpose together with affecting the credibility of the service we provide.

Every employee and Committee member must always act in accordance with the BHA's core values and ensure that this Policy is applied in practice. Failure to do so may result in disciplinary action.

BHA's complaints and appeals process will be outlined at Section X should any perceived breach of this policy have been considered to have occurred.

## *6. Equality Impact Assessments*

Because equality and diversity issues are fundamental to how BHA operates, each policy developed or reviewed will be subject to an Equalities Impact Assessment.

The Equality Impact Assessments allows BHA to take proactive steps to identify and remove potential discrimination or, in some cases, the relevant action will be to adapt a policy or practice to better advance equality. It is important to recognise that providing the same service in the same way to everyone can sometimes create a disadvantage.

The Equality and Human Rights Commission in Scotland states that a policy or practice, which proactively considers equality, particularly using relevant evidence and consultation or involvement, is likely to be a better quality policy in terms of it being more responsive to the needs of those affected. It further recognises that Equality Impact Assessments assist in mainstreaming equality considerations into policy and decision-making.

All policies subject to an impact assessment will have an individual assessment template completed and this will normally be included within the policy documentation being reviewed for approval.

## 7. Monitoring of the Policy

Whilst embracing the principles of equality and diversity is something that we take very seriously, it is nonetheless important that there is a 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 diversity.

We will conduct a full assessment of the demographic profile and ethnic origin of our employees, Committee members and tenants and other service users. This will assist us as we strive to be representative and inclusive.

BHA will actively promote equality of opportunity and treatment for all groups in society. BHA will be able to gather information to help us assess the degree to which the policies and procedures across all areas of the business inherently contain an equalities and diversity approach.

## 8. Complaints and Appeals

BHA has a policy of zero tolerance as far as discriminatory practices and breaches of equal opportunities are concerned.

Any allegations against an employee will be investigated thoroughly by the Senior Officer.

If the allegation is made against a member of the Committee the Senior Officer will report the matter to the Audit Committee for them to decide how it will be investigated in line with the Code of Conduct.

If the allegation relates to or involves the Senior Officer the Chair would present details to the Committee. The Committee will then normally establish a panel of members to oversee this investigation, and thereafter they will report the findings to the Committee. The Committee may request that the Auditor, Internal Auditor, Solicitor or another appointed consultant undertake the investigation.

Before any investigation commences, BHA will seek advice from our legal advisors, Employers in Voluntary Housing and/or its employment lawyers.

The member(s) of staff or Committee will be advised of the allegations and informed of what action BHA is considering with regards the investigation. The staff or Committee member(s) should be advised of their right to be accompanied as outlined in the terms and conditions of employment or code of conduct.

A deliberate breach of the Equality & Diversity Policy will be regarded as misconduct and may lead to disciplinary action through the terms and conditions of employment for employees

and the code of conduct for Committee members. In these situations, it could potentially lead to dismissal.

BHA will follow the disciplinary procedures as outlined in the terms and conditions of employment or breach of the code of conduct for employees and Committee members.

In the event that our tenant(s) or other service user(s) displays unacceptable behaviour towards employees, Committee members or consultants, we will consider initiating appropriate action e.g. taking action against the tenancy under the terms of the tenancy agreement; reporting the matter to Police Scotland or reviewing communication arrangements with BHA in line with our Unacceptable Behaviour Policy.

On breaches of this policy by consultants, contractors or service providers, we will consider the level and severity of the breach and the potential for any recurrence to inform our decision on what action should be taken. The ultimate sanction would be that we seek to terminate the contract.

In situations where a member of the Committee or the Senior Officer 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 Senior Officer or Chair, depending on the person(s) alleged to have breached the policy.

#### 9. Policy Availability

This policy will be made available to all employees and Committee members. Employees and Committee training will take place within three months of the policy being approved and employees/Committee members will be encouraged to raise any queries they have relating to the policy to their line manager/Chair.

The policy will be provided for successful job applicants within their induction.

Contractors or consultants being used by BHA will have details of the policy included within their tender documentation.

The policy will also be made available publicly on our website.

#### 10. Accessibility

One of the ways in which people can be indirectly discriminated against is by information sometimes being inaccessible. For example, a visually impaired individual may not be able to read a policy in the print size usually available. Similarly, someone whose first language is not English may not be able to communicate effectively with colleagues / employees. This type of indirect discrimination is all the more important to address as it can often be inadvertent and there is perhaps more scope for it to occur.

To help combat this, we will provide information to employees, Committee members, tenants and other service users in any special formats as required. Special formats may include, but is not limited to:

- Large print
- Audio tape or CD
- Translations into community languages
- Use of language or sign interpreters
- Braille

It is not always practical 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 5 working days or reasonably practicable.

All costs will be borne by BHA.

To ensure that this strategy is effective, the availability of documents in other formats will be publicised on our website.

## 11. [Review](#)

BHA will review this policy at least every 3 years. The next review will therefore take place in May 2028 or earlier to take account of:

- Applicable legislation, rules, regulations and guidance.
- Changes in the organisation and community's requirements.
- Developments in best practice.