

## Equalities and Human Rights Policy

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### Appendix 1: Our Guide to Data Collection

## **1.0 Introduction**

- 1.1.1 This Policy sets out how The Albyn Group is committed to supporting and promoting Equality and Human Rights. We trust this policy reaffirms our unwavering dedication to embracing and advocating for Equity, Diversity, and Inclusion (EDI) as well as Human Rights. Amidst the enduring challenges that follow the pandemic and the current cost of living crisis, our dedication to EDI and Human Rights has become even more resolute.
- 1.1.2 We will continue to prioritise the well-being of our people and communities, ensuring they remain at the heart of all our decisions, and continuously strive to attain improved outcomes in collaboration with them.
- 1.1.3 The Policy addresses the legal and regulatory requirements we must meet, and how we will translate our own vision and values into tangible outcomes that will benefit our customers, communities and employees.
- 1.1.4 This policy covers all aspects of our work including our policies, management, employment practices and our services to our customers and partners. It is endorsed by our Governing Board Members (GBM) and the Senior Leadership Team (LT).
- 1.1.5 Our Group Governing Board Members, Executive and staff teams are fully committed to Equalities, Diversity, and Inclusion (EDI) and recognise the importance of role-modelling this commitment through our decision making and governance.

## **2.0 Policy Objectives**

- 2.1 To prevent discrimination and eliminate prejudice within our organisation and promote inclusiveness to our customers and stakeholders.
- 2.2 We expect our employees to live the values of EDI when dealing with customers, colleagues and any external stakeholders. We will not tolerate any form of discrimination, harassment, victimisation or bullying. Similarly, we expect our employees to be treated with respect by our customers and will enact our Unacceptable Actions policy if confronted by intolerable behaviour or language.
- 2.3 To advance equality of opportunity for all our customers, colleagues and stakeholders.
- 2.4 To treat all our customers and employees fairly, and with dignity and respect.
- 2.5 To promote inclusion and celebrate diversity.
- 2.6 To show zero tolerance for harassment and hate crime.
- 2.7 To promote, support and recognise tolerance and cohesion within our communities.
- 2.8 To ensure that our contractors and suppliers support and align with our policy aims and challenge those who do not
- 2.9 To comply with our legal and regulatory obligations and seek to demonstrate best practice standards

### 3.0 Scope

3.1 The compliance of this policy is required from all staff, (permanent, temporary, and agency workers) Board members and others with whom we may work (e.g., Contractors, consultants etc). We also expect the same commitment from all those who receive a service from us, and we will promote this policy in all our dealings with them.

### 4.0 Legal and Regulatory Requirements.

4.1 The Albyn Group will meet all its legal obligations as set out in the following legislation:

- **The Equality Act 2010.**
- **The Human Rights Act 1998.**
- **The Scotland Act 1998 (relating to human rights)**
- **The Housing (Scotland) Act 2010.**
- **The Scottish Social Housing Charter**
- **The Protection from Harassment (Scotland) Act 1997**

### 4.2 The Equality Act 2010

4.2.1 The Equality Act 2010 is a comprehensive piece of legislation designed to create a fairer and more equal society, where everyone has an opportunity to participate and be treated with respect, regardless of their background or personal attributes.

4.2.2 Prior to 2010 there were many separate equality laws covering issues such as disability, race and sex or gender. The Equality Act 2010 is now the key Act concerning equality legal issues and was introduced to:

- **Harmonise previous law; and**
- **Strengthen equality commitments.**

4.2.3 The Equality Act 2010 applies across the United Kingdom and was enacted through Westminster. This Act is now referred to simply as “the Act” throughout our policy for ease of reference. The Act specifies a number “protected characteristics” – formerly referred to as `grounds` -in respect of which discrimination, harassment and victimisation is unlawful.

4.2.4 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**
- **Gender**
- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sexual orientation**

4.2.3 It is unlawful to discriminate against, harass or victimise a person because they

have one or more of the protected characteristics. When conducting “public functions” – this term covers about all the services that the Albyn Group provides – we must also comply with the general equality duty set out in section 149 of the Equality Act. The duty means that we must:

- Eliminate unlawful discrimination (including direct and indirect discrimination and discrimination arising from disability), as well as harassment and victimisation.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and people who do not share it.

#### **4.2.4 Prohibited Conduct**

The following forms of discrimination are prohibited under this policy and are unlawful:

- Direct discrimination: treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their religious views or their sexual orientation.
- Indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified. For example, a policy that says all employees must be clean—shaven would indirectly discriminate against anyone who could not shave because their religious beliefs do **not** allow them to. Such a requirement would be discriminatory unless it can be justified.
- Harassment: this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Victimisation: retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- Disability discrimination: this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

### **4.3 Human Rights Act 1998**

The Human Rights Act 1998 provides for people to have the right to peacefully enjoy their possessions and protection of their property, freedom of thought, conscience and religion, and prohibits discrimination in relation to the enjoyment of convention rights:

There are many aspects of AHS's role in providing housing and housing services that could be affected by the Human Rights Act. For example:

- Housing allocations
- Tenancy agreements

- Housing conditions
- Aids and adaptations
- Rent arrears and other breaches of tenancy conditions.
- Anti-social behaviour
- Relationship breakdown
- Tenancy termination, successions, and evictions

#### 4.4 The Scotland Act 1998

4.4.1 The Scotland Act 1998 defines equal opportunity as follows: “Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions” (**The Scotland Act 1998**, Schedule 5, L2)

This is important to us as a social landlord as we require to take account of this definition when delivering our services under other law, for example, The Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2010.

As the above definition shows, it covers grounds that are additional to those in the Equality Act 2010. For example, the **Scotland Act 1998** covers discrimination on grounds of language, personal characteristics and social origin that may include social class. We incorporate these issues into our equality action plan, therefore, to ensure that we address all forms of discrimination.

#### 4.4.2 The Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010 is extremely important as it requires us to behave in a manner that encourages equal opportunities. This applies to all our services. This requirement takes account of all relevant equality law, as well as the grounds covered in the Scotland Act 1998.

#### 4.5 Scottish Social Housing Charter

4.5.1. The Charter, which came into effect on 1st April 2012 and the current version was published on 28th March 2017, has Equalities as its first outcome and standard. This requires that, “Social Landlords perform all aspects of their housing services so that:

***“Every tenant and other customer have their individual needs recognised, is treated fairly and with respect and receives fair access to housing and housing services.”***

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these.

The Scottish Housing Regulators `The Regulation of Social Housing in Scotland – Our Framework` stipulates that.

***'An RSL requires to conduct its affairs with honesty and integrity and pay due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of our work, including our governance arrangements. (Standard 5.3)***

## **4.6 Other law and guidance**

**4.6.1.** There is a wide range of other laws that is relevant to equality matters. For example, the **Protection from Harassment Act 1997** which sets out the rights of individuals to be free from harassment and provides for legal remedies to address harassment. Although the Equality Act 2010 is the main equality Act, it is not the only Act that we consider when implementing our equality objectives.

### **4.6.2 Public Sector Equality Duty (PSED)**

**4.6.3** Housing Organisations like the Albyn Group are not directly subject to PSED, however, we will comply with the following legislation: -

- Equality Act 2010
- Human Rights Act 1998

By doing this, we will strive in our work to be inclusive and eliminate any discrimination of the protected characteristics.

## **5.0 Links to Other Policies**

**5.1** Linking our Equality and Human Rights Strategy with our other policies is essential to ensure fair and non-discriminatory treatment of tenants, service users, staff and other key stakeholders.

Here are areas within our other policies that we will pay particular care to ensure compliance with the strategy.

- a. Non-Discrimination and Equality of Opportunity:** Our policies will set out that they will not discriminate against anyone based on protected characteristics such as race, ethnicity, gender, age, disability, religion, sexual orientation, or any other characteristic protected by law. The policies should promote equal opportunities for all individuals.
- b. Accessibility and Accommodation:** We will support and adopt policies to ensure that our services and properties are accessible to people with disabilities. This may include providing reasonable accommodations and making necessary adjustments to the physical environment to cater to the needs of disabled tenants.
- c. Harassment and Hate Crime:** Our Anti-Social Behaviour Policy, Staff Code of Conduct policies are in place to address and prevent harassment, bullying, and hate crimes directed at tenants, staff or service users based on their protected characteristics. These policies outline clear procedures for reporting and addressing such incidents promptly.
- d. Diversity and Inclusion:** Albyn promotes diversity and inclusion within our organisation and properties. We work with various stakeholders to create inclusive communities where people from diverse backgrounds can live comfortably.
- e. Gender Equality:** Albyn work hard to ensure there is no gender-based discrimination and promote gender equality in our organisation by ensuring there is no gender pay gap and our services do not place any barriers on a person due to their gender.

- f. **Support for Vulnerable Groups:** Our policies will place special consideration and support for vulnerable groups, such as refugees, asylum seekers, victims of domestic violence, and those at risk of homelessness.
- g. **Language Access:** Albyn provide language access services, such as translation and interpretation, to ensure that language barriers do not hinder individuals' access to information and services.
- h. **Data Protection and Privacy:** Our Data Protection policy is in place to protect the privacy and confidentiality of individuals' personal information and comply with relevant data protection laws.
- i. **Training and Awareness:** Albyn staff and board members receive training on equalities and human rights issues to create a culture of respect and awareness within the organisation.
- j. **Consultation and Engagement:** Albyn involve tenants and service users in decision-making processes and seek their input when developing and reviewing policies. There are actions in the plan to seek more representative views from our communities once there is more robust data to investigate.

5.2 Albyn will use equality impact assessments (EIA's) to identify any potential barriers and inequalities to people with protected characteristics when creating or reviewing our strategies and policies.

### 5.3 **Equalities and Scottish Social Housing Charter.**

Standard 1, emphasises fair treatment and access to housing and housing services for all customers. Having information, including equality data, is essential for Albyn to provide inclusive services to our customer in the communities they live in.

## 6.0 **Data Collection**

Collecting equalities data anonymously is a key step for Albyn to ensure fairness, transparency and compliance with anti-discrimination laws. Our goal is to gather information about the demographic of our customers, staff and board without identifying individuals to address any potential disparities in access to our services.

6.1 Our standard anonymous form will not be able to identify any individual. 90% of data from for our forms will be loaded digitally from source. The remainder will be hard copies, however there will be no link between the collation of equalities forms with the processing of the form, therefore no identification will be possible.

6.2 Here are some of the benefits of collating anonymous equality data based on geographical areas.

- understanding how our employee diversity reflects the communities we serve.
- understanding how our engagement structures reflect the diversity of our communities.
- developing community profiles to better understand local needs and shape our engagement structures.
- inform Equality Impact Assessments of our services and strategies.
- development of staff training, learning and inclusiveness programmes.
- using age, ethnicity and disability diversity markers, along with skills, experience and gender, to inform Board succession planning.

6.3 Linked Data



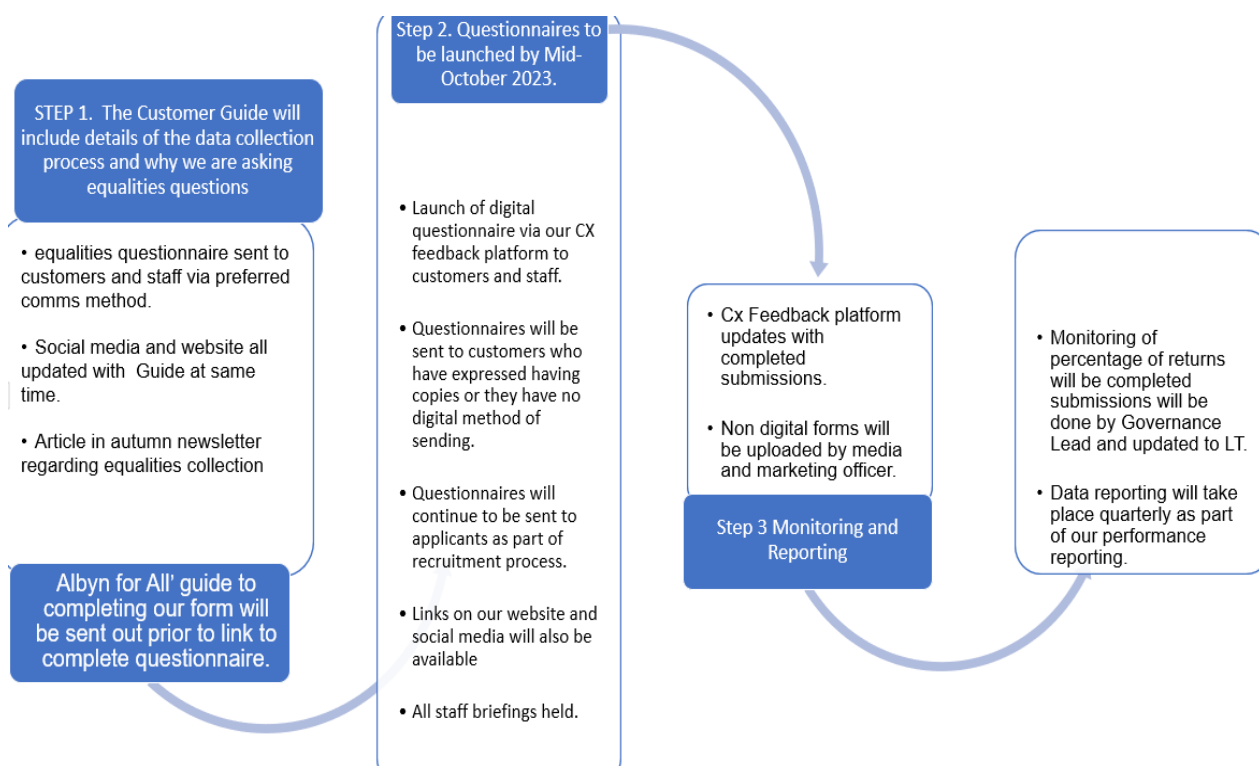
There is certain equalities data that Albyn processes that will be linked to an individual in order that services can be provided to them in a way that meets their needs, or to ensure unlawful discrimination has not taken place.

For example, Albyn has a duty under the Equalities Act 2010 to make reasonable adjustments for individuals - where a customer has a visual impairment, Albyn might make a reasonable adjustment to provide documents in large print.

As an employer, Albyn has a duty under the Equalities Act 2010 to eliminate unlawful discrimination in respect of job applicants and is entitled to collect equalities data to inform internal evaluations of whether this has occurred within the recruitment process.

## 6.4 Data Collection Process

Please see our process below on how we will collect, monitor and report equalities data.



## 7.0 Policy Implementation and Management.

7.1 We will introduce a strategic approach to equality and diversity that supports this policy and seeks continuous improvement in our approach.

7.2 We will ensure that all Board members and colleagues will be suitably trained not only in the policy objectives, but the operational tools needed to embed and respond to equality issues.

## 8.0 Performance Management

8.1 We will report on the progress to our board of our Equalities and Human Rights Strategy via a developed action plan, which will be responsive to our equalities data returns. We will

also include in our annual report a dedicated section on our equalities progress to our tenants and stakeholders to maintain visibility of issues affected by equality and diversity.

- 8.2 We will review the performance of our customer facing services and ensure that targets met, customer satisfaction levels and incidents of complaint are not inappropriately disproportionate by any of the protected characteristics, as we develop our data source.

## **9.0 Equalities Impact Assessment.**

- 9.1 This document is key to develop our equalities approach to carry out impact assessments across our strategies/policies.