

## **Equality, Diversity & Inclusion Policy**

Date Approved: April 2019

Next Review: April 2022

Responsible Board/Committee: Board

Lead Officer: Phil Green, Chief Executive

### **1.0 POLICY STATEMENT**

1.1 Bucks Housing undertakes to treat people fairly, promoting equality of opportunity and outcome and tackling discrimination. We will respect, welcome and value diversity, and, by developing a culture of openness and inclusion, we will aim to ensure that our services are accessible to all sections of the community.

The principles of equality, diversity and inclusion are at the very heart of our established values, founded on a common sense of social justice and fairness.

As well as being the right thing to do, we believe our commitment to the principles of equality, diversity and inclusion make good business sense and will bring the following benefits and added value to our organisation:

- Keep us relevant – knowing and understanding our existing and future customer base, will lead to better informed decision-making and policy development and will ensure we continue to provide homes and tailor services to meet diverse and changing needs
- Ensure we are an employer of choice – aspiring to achieve a diverse and inclusive workforce will enable us to recruit and retain talented colleagues who reflect the communities that we serve
- Enhance our reputation – enabling us to maintain our competitive edge as a sustainable, social business.

### **2.0 KEY POLICY PRINCIPLES**

#### **2.1 Governance**

We will:

- ensure awareness of, and compliance with, the relevant legislative and regulatory requirements as a landlord and employer (Appendix 1)
- seek to ensure that our Board understands, and is broadly representative of, the diverse communities we serve
- provide training on equality, diversity and inclusion to Board members, and involved residents, so they are able to discuss the issues fully and lead the promotion of diversity across our activities.

## 2.2 Employment

We will:

- treat all employees, whether permanent or temporary, full time or part time, fairly and with respect
- recruit, develop and promote staff on the basis of a fair and objective assessment of competence and attitude; and help and encourage all employees to develop their full potential
- provide a working environment where harassment, bullying and offensive behaviour are unacceptable and where individuals are able to bring complaints without fearing prejudice
- recognise that workplace stress is a health and safety issue and will take action to identify and reduce workplace stressors
- aspire to a diverse workforce, with the skills to achieve our strategic goals, and which broadly reflects the diversity of the communities we serve
- seek to comply with the requirements of equalities legislation, including making reasonable adjustments in the workplace where appropriate
- pay the Real Living Wage and apply fair and transparent processes for job evaluation in order to ensure equal pay for equal work
- where service delivery is not compromised, ensure that all staff have access to flexible working and that the benefits of work-life balance are recognised
- equip staff with appropriate equality, diversity and inclusion awareness training tailored to their needs and refreshed periodically
- monitor our staff profile, and recruitment activity, across the diversity strands and will take action to address any inequality or discrimination identified
- seek to capture any equalities issues when undertaking performance reviews and exit surveys.

## 2.3 Providing Homes

We will:

- aim to understand and respond to the diverse housing needs in our areas of operation so we can provide quality housing of the type and design people need
- ensure that no current or potential customer is discriminated against by letting or selling a property on less favourable terms due to a protected characteristic
- review the condition of our homes as part of our asset management strategy, ensuring that the needs and aspirations of residents are taken into account
- provide a suitable housing solution for tenants with a disability and/or mobility need
- monitor refusals of offers of accommodation and take this information into account in service planning.

## 2.4 Meeting the needs of our customers

We will:

- ensure that we meet the requirements of equalities legislation so that all of our customers are able to use the parts of our offices that are open to the public
- work to ensure that information about customers' rights and responsibilities, and the services that are available, is accessible to all groups within the community, in its content, style and mode of delivery. We will provide information in alternative formats / languages where a need for this is clearly identified
- provide a range of contact methods, shaped to customers' requirements, including effective use of digital services
- work to ensure that our services are accessible to all, including by monitoring who is/is not accessing our services and take action to address any barriers
- consider the equalities impact of any significant change to a policy or service
- ensure our actions are informed by maintaining basic profile data about our customers. We will use this both to tailor services to individual needs and also to identify trends across our customer base as a whole
- take account of disability discrimination legislation, prior to taking legal action against a vulnerable person
- identify those with additional support needs and provide, procure, signpost or refer customers towards, the advice and support they may need to sustain their tenancy. We recognize, in particular, the detrimental impact of mental health on people from all protected characteristics and will take a proactive approach to identify and support those who may be affected
- in line with our Safeguarding policy and procedure, seek to prevent abuse and / or neglect from happening and will respond promptly and proportionately where abuse and / or neglect is suspected or is taking place
- promote inclusion and community cohesion and take prompt, responsive action in all cases of discrimination, bullying, harassment or victimisation
- encourage and welcome diversity in customer involvement and participation in service development
- provide a range of opportunities for customers to have their say on decisions that affect them and to scrutinise our performance. We will ensure that input from consultation is an integral part of the decision-making process
- monitor customer satisfaction and complaints across our services with the aim of ensuring there are no significant differences across the strands of diversity.

## 2.5 Contractors, Partners and Suppliers

We will:

- ensure that our contractors, partners and suppliers are aware of the importance of equality and diversity to us and that they support our commitments
- ensure such organisations have a current and effective Equality, Diversity & Inclusion Policy, and, where not, that they are willing to sign up to and work in accordance with our own

- where appropriate, help partner organisations to understand the diverse needs of our customers in order that they are better equipped to provide an efficient service to all our service users
- produce a Code of Conduct for Contractors and make it a condition of their appointment that our contractors operate within the Code
- operate fair and transparent procurement arrangements.

### **3.0 DELIVERING OUR POLICY**

3.1 We are a signatory to the CIH Equality & Diversity Charter for Housing which we use as a framework to assess where we are and where we want to be.

Our Policy is supported by a supporting action plan, focusing on those areas we have prioritised for action. The action plan will be refreshed annually.

We will measure and report on success in the following ways:

- we are developing some key measures, and areas to monitor, to help us to demonstrate we are meeting our ED&I objectives
- an annual report will be taken to Board outlining progress
- staff and customers will be updated through established communication channels.

### **4.0 RESPONSIBILITIES**

4.1 Everyone at Bucks Housing has a responsibility for delivering our equality, diversity and inclusion commitments. Key contributions are expected as follows:

- The Board is responsible for ensuring compliance with our legal and regulatory requirements and our policy commitments
- The Leadership Team has overall responsibility for delivering identified actions to ensure we are meeting our Equality, Diversity & Inclusion objectives
- Managers are responsible for actively championing and promoting equality, diversity and inclusion in all areas of their work, and, where appropriate, for the delivery of identified actions
- Managers are responsible for ensuring that all members of their teams receive diversity and equality training appropriate to their role
- All staff members are responsible for ensuring that our policy relating to equality, diversity and inclusion is incorporated in their work activities, in all dealings with customers, colleagues and anyone else they come in to contact with, in the course of their employment.

## **Appendix 1: Summary of the Association's legislative and regulatory responsibilities**

### **The Equality Act 2010**

The Equality Act 2010 brought together a number of existing discrimination laws into one place. It provides a framework to protect the rights of individuals and to promote a fair and more equal society. Most of the provisions of the Act came into force on 1 April 2010.

The Act sets out the personal characteristics that are protected by the law and the behaviour that is unlawful. The nine 'protected characteristics' under the Act are (in alphabetical order):

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex (gender)
- and sexual orientation.

Under the Act, people are not allowed to discriminate (directly or indirectly), harass or victimise another person because they have, or are perceived to have, any of the protected characteristics, or they are associated with someone who has a protected characteristic.

Direct discrimination means treating one person worse than another because of a protected characteristic.

Indirect direct discrimination means putting in place a rule or policy that has a worse impact on someone with a protected characteristic, when this cannot be objectively justified.

Harassment includes unwanted conduct related to a protected characteristic which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment for someone with a protected characteristic.

Victimisation is treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.

### **Public Sector Equality Duty**

The Association is subject to the general public sector equality duty because we carry out public functions, such as allocating and managing social housing, setting rent levels, terminating tenancies and applying policy and processes in respect of ASB.

We must have regard to the following when we are carrying out these public functions:

- eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advancing equality of opportunity between people who share a protected characteristic and those who do not
- fostering good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Public Sector Equality Duty puts an obligation on public authorities to positively promote equality, not merely avoid discrimination. Compliance with the equality duty may involve treating some people differently or more favourably than others.

## **Regulatory Standards**

Under the Tenant Involvement and Empowerment Standard (July 2017), all registered providers are required to understand and respond to the diverse needs of tenants. Specifically, we are required to:

- treat all tenants with fairness and respect
- demonstrate that we understand the different needs of our tenants, including in relation to the equality strands (protected characteristics) and tenants with additional support needs.

We need to demonstrate how we respond to tenants' needs in the way we provide services and communicate with tenants.

## **Pre-Action Protocol for Possession Claims by Social Landlords (2015)**

The aims of the protocol are to:

- encourage more pre-action contact and exchange of information between landlords and tenants;
- enable the parties to avoid litigation by settling the matter if possible; and
- to enable court time to be used more effectively if proceedings are necessary.

Courts will take into account whether the protocol has been followed when considering what orders to make.

Part 1 of the protocol requires us to consider the vulnerability of the tenant prior to the commencement of proceedings. If we are aware the tenant has difficulty reading or understanding information, we must take reasonable steps to ensure that we have communicated appropriately and that the tenant understands any information we have given.

Where the tenant is under 18, or particularly vulnerable, we need to consider at an early stage:

- whether the person is likely to have mental capacity to defend the proceedings (if not we should make an application for the appointment of a litigation friend)
- whether or not any issues are likely to arise under the Equality Act 2010 (e.g. the possibility of a tenant with a disability, which includes mental health issues, making a disability discrimination claim).

Part 3 of the protocol applies to mandatory routes to possession and seeks to ensure that any human rights defences (see below) are brought to the first hearing so that any issues of proportionality are dealt with at that stage.

### **The Human Rights Act 1998**

All public authorities, or bodies exercising public functions, must act compatibly with human rights. The human rights most relevant to housing are:

- right to respect for private life, family life and the home
- right to a fair trial
- prohibition of discrimination.

The key things to consider are whether we are acting legally, fairly, transparently and proportionately and in line with our own policies. It is important, however, to avoid applying 'blanket' policies – we must allow individual circumstances to be taken into account in our decision making.

If a public body does not act compatibly with human rights, individuals who are adversely affected can challenge this by raising a complaint or bringing a claim in the courts. This can be in the form of a stand-alone human rights claim, or, if a person is already involved in legal proceedings against a public body, then they can add a human rights claim to those proceedings. For the Association, this is most likely to occur in those possession cases where the judge has a limited amount of discretion (e.g. where we are seeking possession on a mandatory ground or following service of a Section 21 notice).

A person challenging a public authority decision (e.g. in relation to allocations, assignment, succession) through judicial review can also claim that the decision violated their human rights.