



## Equality and Diversity – including Equal Opportunities

---

<b>Version:</b>	Second draft
<b>Date of document:</b>	14th July 2008
<b>Lead officer(s):</b>	Business Services Director
<b>Depts/Teams affected:</b>	All Group Members and staff
<b>Implementation:</b>	All Group Members and staff
<b>Approved by:</b>	West Mercia Housing Group's Board of Management
<b>Board Approval Date:</b>	21 <sup>st</sup> July 2008

### 1. Aims and Purpose of this policy:

#### 1.1 Who this policy applies to:

This policy applies to all of the Group's Board Members and staff and we expect a full commitment to the principles of this policy from customers and suppliers (including contractors, consultants and agency services).

#### 1.2 West Mercia Housing Group (WMHG) will abide by existing regulatory requirements and legislation as set out in Appendix 1, along with any new ones as they are introduced. (Appendix 2 includes summary information about unlawful acts)

We will take account of good practice.

### 2. Links to other policies

The following policies also deal with issues relating to this policy:

- Harassment and Racial Harassment
- Anti-social Behaviour
- Compliments, Comments and Complaints
- Access to Housing
- Repairs and Maintenance
- Customer Involvement
- Selection and Recruitment
- Learning and Development
- Flexible Working
- Jobshare
- Harassment and Bullying at Work
- Policy on Members' role, responsibility, competencies, development and appraisal

This policy is also supported by the Group's Race, Disability and Gender Equality Schemes.

### 3. Policy Statements (Summary)

WMHG values and embraces diversity because we believe this helps to make us

different and stronger as a service provider. Equality and diversity is core to our business and our aim is to ensure that it is reflected in all our policies, practices and services. Similarly we are committed to equality of opportunity in all aspects of our work and will not tolerate any form of discrimination, either direct or indirect. We expect this commitment from all Members, staff and others with whom we work, such as suppliers, contractors, consultants and agency services. We also expect our customers to support our commitment and we will promote this policy through the delivery of our services.

This policy aims to cover all aspects of equalities, including eliminating discrimination, promoting equality and promoting good relations on grounds of race, colour, national origin, ethnic origin, nationality, religion, belief or lack of religion or belief, gender, gender reassignment status, being married or a civil partner, pregnancy or maternity leave, sexual orientation, disability or age. However, as well as meeting our statutory and regulatory requirements, WMHG believes that these should be a starting point and that we should strive to be an organisation that exceeds these standards and be committed to tackling social exclusion in its widest sense.

Our approach focuses on six integrated strands to equality and diversity, namely gender, race, disability, age, religion and sexual orientation, where the Group will endeavour to reflect diversity in all its activities, make them accessible to everyone and ensure equality of opportunity for all. This approach is also designed to help us to continuously improve our business and services, by extending our understanding and ability to embrace the diversity of the individuals and communities where we work, and so tailor services more effectively to meet their needs.

## **4. Policy**

### **4.1 Access to housing and services**

Anyone applying for housing or services will be dealt with fairly and without any form of discrimination. We actively encourage all sections of the communities where we work to make use of WMHG's services.

We are committed to building and delivering services, facilities and resources that are accessible, relevant and of use to the individuals and communities where we work. This involves improving our understanding of our customers and their needs, as well as recognising that how we deliver services may need to be different to meet diverse needs. It also includes making a range of opportunities available for customers to be involved in shaping and improving those services.

### **4.2 Supporting communities**

WMHG works in a range of diverse communities so that its contribution varies from leading on local neighbourhood initiatives to partnership working with others to identify the issues with others and contribute to addressing them.

We recognise that some people in the communities where we work may be reluctant to approach housing organisations for information or services for a variety of reasons, so we need to take a pro-active approach to establishing links with local community

organisations. Working with such organisations will also help us to build on community cohesion and support the wider communities which impact on our customers' lives.

#### 4.3 **Employment and Board Membership**

WMHG aspires to a diverse workforce and Board Membership, whose profile reflects the communities where it works. This will enable us to provide a quality service that is responsive to individual and community needs. Our aim is for all new employees and Members to attend Equality and Diversity training in their first year with WMHG and a refresher course every three years.

Equality and diversity considerations form a core part of our activities and, in working towards the elimination of discrimination, all Members and staff are expected to act as true leaders in promoting diversity and equality of opportunity. This includes fostering a working environment where everyone can feel welcome and safe, can give of their best and be free from discrimination, intimidation, victimisation, and harassment or bullying.

#### 4.4 **Suppliers, including contractors, consultants and agency services**

WMHG will ensure that our suppliers are aware of this policy and will encourage them to have similar objectives. All significant suppliers will be asked to provide a copy of their own policy or alternatively subscribe to WMHG's. Everyone working on behalf of the Group is expected to behave towards customers and staff in a way that demonstrates their commitment to this policy and contracts may be terminated in cases of proven harassment or discrimination.

We try to encourage a diverse range of suppliers onto our Preferred and Approved Lists, alongside other business considerations, such as value for money.

#### 4.5 **Development and house design**

We work closely with local authorities, the Housing Corporation/ Homes and Communities Agency/ Tenant Services Authority and other groups to identify the housing needs of diverse groups.

Our Design Brief takes into account the potential needs of diverse groups, especially disabled people, and new homes are provided in line with the Code for Sustainable Homes.

We will endeavour to undertake or assist with accessing any reasonable adaptation or alteration to an existing home which would help a resident to remain in their current home. (Where this cannot be achieved we will help people move to a more appropriate accommodation.)

#### 4.6 **Communication**

We have access to a wide range of communication methods to help us meet diverse customer and staff requirements and continue to explore different ways of communicating with current and potential customers. We are committed to providing information in a variety of ways to make services really accessible.

#### 4.7 Confidentiality

"All information that you provide to us will be processed insofar as we are able in accordance with the provisions of the Data Protection Act 1998. The findings from the data that you provide may be shared with other partner associations within West Mercia Housing Group.

We are committed to providing you with a home that meets your particular needs. To do this we keep the information that you have provided concerning your ethnic origin, health and abilities. We may disclose information about your needs (including the preferred language spoken by you), health and abilities to our maintenance contractors or to other people who visit you on our behalf, in order that they can take account of your particular needs and deliver a quality service.

We also keep information regarding your health, abilities, ethnic origin and sexual orientation in accordance with Audit Commission good practice and we may be required to share our broad analysis of this data with the Audit Commission or other government authority from time to time for monitoring purposes. Where we are required to share your information we will endeavour do so in a safe and secure manner."

#### 4.8 Monitoring

We monitor various outcomes and aspects of our work to ensure that strategies and policies are being delivered in line with our equality and diversity commitments and that any follow up actions to improve our services are taken.

#### 4.9 Implications for Health and Safety and Risk Management

Policies and procedures around staff safety, fire evacuation etc need to take account of potential risks to a diverse workforce and visitors.

#### 4.10 Publicity Material

This policy is publicised in the following documents:

- Resident Handbook
- Occupancy Agreements
- Our website and staff intranet

### 5. Period of Review

This policy will be reviewed where:

- There are significant changes to legislation, regulation or good practice;
- There are found to be deficiencies or failures in this policy, as a result of complaints or findings from any independent organisations

At which point the lead officer will initiate an immediate review.

In any event this policy will be reviewed no later than five years from the effective date of this version, no later than July 2013

## Appendix 1

West Mercia Housing Group will abide by existing regulatory requirements and legislation as set out below, along with any new ones as they are introduced:

- Equal Pay Act 1970
- Sex Discrimination Act 1975 – updated 1986
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Employment Relations Act 1999
- DfEE Code of Practice for Age Diversity in Employment 1999 (pending amendments in legislation/ regulations on age)
- The Sex Discrimination (Gender Reassignment) Regulations 1999 (amended the Sex Discrimination Act 1975)
- Race Relations (Amendment) Act 2000
- Disability Act 2001
- Employment Act 2002
- The Flexible Working (Procedural Requirements) Regulations 2002 and the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002
- The Part-time Workers (Prevention of Less Favourable Treatment) Regulations and Amendment Regulations 2002
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- The Maternity and Parental Leave etc Regulations 1999 and the Amendment Regulations 2001 and 2002
- The Paternity and Adoption Leave Regulations 2002
- The Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003
- Equal Pay (Amendment) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- The Social Security Contributions and Benefits Act 1992, The Statutory Maternity pay and Sick pay (Miscellaneous Amendments) Regulations 2002, The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002, The Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) Regulations 2003 and the Social Security Contributions and Benefits Act 1992 (Application of parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003
- Disability Discrimination Act 1995 (Amendment) regulations 2003
- Race Relations Act (Amendment) Regulations 2003
- Civil Partnership Act 2004
- Housing Act 2004 - Gypsies and Travellers
- Gender Recognition Act 2004
- Disability Discrimination Act 2005
- Employment Equality (Age) Regulations 2006
- Equality Act 2006
- Work & Families Act 2006
- Civil Partnership Act 2005
- Equality Act 2006

- Employment Equality (Age) Regulations 2006
- Childcare Act 2006
- Equality Act (Sexual Orientation) Regulations 2007
- CRE Code of Practices on Employment and Housing (now EHR Commission)
- The Race, Disability and Gender Equality Duties
- Requirements for the Commission for Social Care (CSCI), Supporting People, the Audit Commission and Housing Corporation, including Section 2.7 of the Regulatory Code and Guidance (Aug 05) and Good Practice Note 8 (Nov 07)

## **Appendix 2 - Summary information on equality and diversity**

### **Prohibited Grounds (unlawful acts)**

Protection against discrimination is extensive in scope. The prohibited grounds are set out below.

#### **Sex Discrimination**

Discrimination is unlawful on grounds:

Of a person's sex, i.e. male or female; or that a person is married or is a civil partner; or of a person's 'gender reassignment status' (see below); or of a pregnancy or maternity leave.

'Gender reassignment' status means intends to undergo gender reassignment is undergoing gender reassignment or has completed gender reassignment.

#### **Race Discrimination**

Discrimination is unlawful on racial grounds, which means any of the following grounds;

- Race – e.g. Jewish, Arab, Sikh etc;
- Colour – e.g. black, white, yellow skin, etc;
- Nationality – e.g. a citizen of the UK, Germany, France, Australia, etc;
- Ethnic origin – e.g. Romany Gypsy;
- National origin – e.g. English, Scottish, Irish, Welsh; a Greek Cypriot is Cypriot by nationality but Greek by national origin; a Vietnamese citizen who becomes a UK citizen is Vietnamese by national origin.

#### **Disability Discrimination**

The legislation provides protection against unlawful discrimination because a person is disabled, or for a reason which relates to a disabled person's disability. A person is regarded as disabled if he or she has a physical or mental impairment which has a substantial and 'long-term' adverse effect on his or her ability to carry out normal day to day activities'.

'Long term' means effects which have lasted for at least 12 months, or are likely to last for 12 months or more. Day to day activities' are normal activities carried out by most people on a regular basis, and the impairment must result on an adverse effect on one of the following:

- Mobility
- Manual dexterity
- Physical co-ordination;
- Continence
- The ability to lift, carry or more everyday objects;
- Speech, hearing, or eyesight; memory or ability to concentrate, learn or understand;
- Perception of the risk of physical danger

## **Sexual Orientation**

Discrimination is unlawful on the grounds of sexual orientation towards:

- Persons of the same sex – homosexuals;
- Persons of the same sex and of the opposite sex – bisexuals or
- Persons of the opposite sex heterosexuals.

## **Religion or Belief**

The Employment Equality (Religion or Belief) Regulations 2003 make discrimination unlawful on grounds of religion, any religious or philosophical belief, or lack of religion or belief.

## **Age**

The Employment Equality (Age) Regulations 2006 make discrimination unlawful on grounds of a person's age, which includes apparent age where direct discrimination is concerned or a person's age group, where indirect discrimination is involved.

## **Unlawful Acts**

### **Direct Discrimination**

It is unlawful to discriminate directly against a person on one of the prohibited grounds of treating him or her less favourably than others in exactly the same situation.

### **Indirect Discrimination**

In all cases, other than disability, indirect discrimination occurs where an apparently neutral provision, criterion or practice is applied equally, but the provision etc, particularly disadvantages people on one of the prohibited grounds, indirect discrimination can be justified by showing that the provision, etc, was a proportionate means of achieving a legitimate aim. To be 'proportionate' the provision, etc, must;

- Actually contribute to the achievement of the legitimate aim;
- Be in proportion to the aim i.e a sledgehammer is not being used to crack a walnut – there is no other possible way of doing it; and
- The benefits to the business must far outweigh any discriminatory effects on the individual.

To be 'legitimate' the aim must correspond to a real business need i.e. it is absolutely essential for the effective running of the operation.

In disability cases, where a provision, criterion or practice is applied or any physical feature of premises places the disabled person concerned at a substantial disadvantage, the employer or service provider has a duty to take such steps as it is reasonable in all the circumstances of the case, to prevent the provision, criterion or practice, or physical feature, substantially disadvantages the disabled person concerned. If the duty applies and the employer or service provider fails to comply, this will constitute discrimination unless it can be shown that it was not reasonable to comply with the statutory duty to make a reasonable adjustment when considering all the circumstances.

### **Victimisation**

Victimisation occurs where an individual is treated less favourably because he or she has made a discrimination complaint internally or to a service provider direct, made a discrimination claim to a tribunal or court or acted as a witness in relation to a complaint of discrimination.

### **Harassment**

Harassment occurs where a person is subjected to unwanted conduct on one of the prohibited grounds which has the purpose (intentionally) or effect (unintentionally) of violating that person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

### **Instructions or Pressure to Discriminate**

It is unlawful to give instructions to a person to commit an unlawful act of discrimination or being pressure to bear on a person to discriminate. It is also unlawful for a person to aid another to commit an unlawful act.

Note: This information constitutes guidance. Employment law is subject to constant change either by statute or by interpretation by the courts. Specialist legal advice must be taken on any legal issues that may arise before embarking upon any formal course of action.