



GOVERNANCE
EQUALITY & DIVERSITY POLICY
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Model Policy

Equality & Diversity

Introduction

PHA is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout **PHA** there will be a consistent approach in promoting equality and diversity across all areas within **PHA** through the entire employment relationship from the recruitment process to termination and references.

All employees are required to abide by this policy. This policy also covers discrimination by and towards members of the public, governing body members, contractors and staff from other agencies. **PHA** opposes all forms of unlawful discrimination in relation to employment.

Background

Tackling inequality is not something new. UK Governments have been addressing equality and diversity issues for many years. Although progress has been made, inequalities still exist in Scotland and within the UK. As the Government continues to tackle discrimination, promote equality, address inequalities and inconsistencies that were present in the previous discrimination legislation, the new Equality Act 2010 was introduced. The introduction of the act saw previous discrimination legislation abolished and replaced with one single piece of legislation. This policy will be compliant with the current legislation and promote a culture of dignity and respect for all.

Lack of equal opportunities is not only a serious moral issue but also has a significant impact on business performance. Studies have shown that high levels of motivation are achieved in an environment of respect and fairness. **PHA** will aim to ensure that all employees are treated with fairness and respect and not be discriminated on the grounds of marriage & civil partnership, sex, race, disability, age, religion or belief, gender reassignment, pregnancy & maternity and sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance. **PHA** will therefore ensure all employees are provided with equality of opportunity in the course of their employment starting from recruitment.

Legal Framework

The following details the specific acts relating to discrimination law.

Equality Act 2010

Definitions

Diversity

Is about valuing individual differences. **PHA** is committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. **PHA** recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit **PHA** 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 of race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation

Protected Characteristics

The 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.

Direct Discrimination

Is treating someone less favourably than others based on a protected characteristic.

Indirect Discrimination

A policy, practice, procedure, provision or criteria that applies to everyone in the same way but might disadvantage a particular protected group, and which cannot be objectively justified in relation to the job.

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 whether harassment has taken 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.

Positive Action

Addressing imbalances in the workforce, by encouraging members of under represented groups to apply for jobs. Positive action may be applicable in setting equality targets. No quotas will be set by **PHA** but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in **PHA** in comparison to the local community where they are under represented.

Failure to make Reasonable Adjustments

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

Associated Discrimination

Discrimination against a person because they have an association with someone with a particular protected characteristic. E.g. a non disabled person is discriminated against because of the action they need to take care of disabled dependent.

Perceptive Discrimination

Discrimination against a person because the discriminator **thinks** the person possesses that characteristic. E.g. 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 foreign looking name on their application form.

Employees

All permanent, temporary fixed term staff, including all managers, Director/Chief Executive, and agency workers

Stakeholders

Contractors, consultants, tenants, customers, service users, other outside agency workers

Policy Principles

This Equality and Diversity policy aims to:

- Ensure integration with equality and diversity practices into all **PHA** does, and ensure that employees are treated with fairness and respect from each other and from members of the public, committee members, and contractors.
- Require **PHA** to 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 and employees promoted solely on the basis of their own merit, experience, ability and potential. This applies throughout the entire duration of employment as all decisions will be based on only relevant merits.
- Provide an environment appropriate to the needs of those from all walks of life, and offer a culture that respects and values each others differences and promotes dignity, equality and diversity.

Implementation of Policy

The Director is responsible for the policy's day to day implementation.

PHA will ensure that all new employees and management committee members will receive induction on this policy. The policy will be widely promoted and integrated into all policies and procedures within **PHA**. Copies of the policy will also be freely available and displayed in **PHAs** offices.

Appropriate training and guidance will be available to promote equality and diversity among staff.

This policy applies to everyone in **PHA** and everyone has a responsibility to be alert to discriminatory behaviours and practices should they occur. Unacceptable behaviour and practices must not occur, however if a situation arises, it will be dealt with immediately. Breaches of the equality and diversity policy will be regarded as misconduct and will lead to disciplinary action which may include dismissal.

Recruitment & Selection

It is **PHA's** policy that all recruitment decisions will be based completely on the merits and abilities of candidates alone and no other criteria will be used. In order to achieve this, equality and diversity practices will be integrated into every stage of the recruitment and selection process.

A fair recruitment process will remove barriers to the employment of people of different backgrounds. This will enable **PHA** to recruit from the widest pool of talent, potentially raising the standard of their intake and therefore increasing the opportunity of a more diverse workforce which reflects the community it is serving. A more diverse workforce will improve the organisation's service delivery, as it will include staff with more knowledge and experience, meet and aid in meeting the needs and aspirations of service users and potential service users.

To highlight **PHA's** commitment to promoting equality and diversity from the beginning of the employment relationship, all vacancies will be aimed at as wide a group as possible and any advertisement for a vacancy within **PHA** will state that an equality and diversity policy is in place. In addition the advert will also display any signs of equality bodies that **PHA** is affiliated with. The information contained in the advert and all vacancy literature will be clear and accurate to attract the most appropriate candidates from all groups across society, to allow them to decide their own suitability for the vacancy and whether they wish to proceed with applying. For those that wish to apply **PHA** will ensure that all applications have clear instructions for completion and application forms will be free from personal questions that are not relevant to the vacancy and that may lead to discrimination.

PHA will ensure all staff involved at any stage in the recruitment and selection process will receive equality and diversity awareness training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unknowingly by asking any questions which may lead to discrimination.

Terms & Conditions of Employment

As part of the employment relationship being covered under this equality and diversity policy all contracts of employment will be issued in accordance with the job role and not

the job holder. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics. Employees will not receive less favourable terms and conditions for any reason other than relating specifically to the job role and the grade it attracts.

Training and Development

Equality and diversity will apply throughout all training activities and resources. Training and development opportunities will be given to all employees according to their job role. It is crucial that all employees are able to participate and enjoy any training opportunities or activities without discrimination or fear of harassment. Every attempt will be made to ensure learning materials will provide a positive image of people reinforcing an image and of equality of opportunity.

Redundancy Selection

Redundancy selection will be made according to the statutory requirements and in line with **PHAs** Redundancy Policy. Criteria will be discussed with the Trade Union and or nominated representatives. The criteria will be set out and will be objectively fair and consistent. This will ensure that employees selected for redundancy are selected according to the chosen selection criteria and not in any discriminatory way either indirectly or directly.

Complaints: employees

This procedure is complemented by **PHAs** Dignity at Work policy. For further details please refer to the policy.

Where an employee feels they have been discriminated against, victimised or harassed by another employee (including managers), the aim should be to deal with it informally in the first instance.

Informal Stage

An employee should aim to resolve the matter informally as it may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. This is often the most efficient way with dealing with such circumstances and helps maintain good working relations.

The employee should raise the issue informally with their line manager (if the complaint is against their manager then the manager next in line.) The manager will speak to the employee whom the complaint is against. If it is found that the behaviour was in breach of this policy, an appropriate level of sanction will be decided in line with **PHA's** Disciplinary Policy.

In addition, a file note of the incident will be kept on the complaining employee's file, including a statement that the note will only be taken into account if there are any further incidents.

Dealing with the matter informally does not remove the complaining employee's right to have the matter dealt with formally.

Formal Stage

If the employee is dissatisfied with the outcome, or the complaint is very serious, they should raise the matter in writing, detailing the complaint to their line manager. The complaint should then be dealt with under **PHA's** Grievance Policy. In line with this process an investigation into the complaint will be carried out. Employees who feel they are being subjected to harassment should raise the issue in line with **PHAs** Dignity at Work Policy.

If the outcome of the investigation is that a formal disciplinary hearing should take place this will be conducted in line with **PHA's** Disciplinary Procedures. (Please refer to the Disciplinary Policy for full details)

Complaints made against employees

Where a complaint is made against an employee by another employee, Board/Committee member or stakeholder, it will be investigated and dealt with under **PHA's** Disciplinary Policy.

Complaints: Stakeholders

The right to be treated equally with dignity and respect extends to outside contractors, partners, service users, customers and any other agencies that are associated with **PHA**. Therefore, stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by **PHA** and appropriate action will be taken.

If a stakeholder feels that they are being discriminated against in the course of their working day with **PHA**, the following procedure should be followed.

Informal Stage

Where possible, incidents should be dealt with informally. The stakeholder should report the matter to their lead contact within **PHA** as soon as possible. It maybe that the discriminatory action is unconscious and easily resolved once the situation is highlighted.

The manager will discuss the situation with the individual whom the complaint is against and explain the expected standards of behaviour and the consequences of failing to comply with these. It will be made clear to the individual that continuation of such conduct may result in being refused access to **PHA's** premises, or services.

Formal Stage

Where informal action is not appropriate or the matter is of a serious nature the complaint will be dealt with using the formal procedure. Where the formal procedure is instigated a thorough investigation will take place in the first instance. Where it is found that the individual has acted in an inappropriate manner, they will be written to officially

by the relevant senior manager informing them that their comments, actions, behaviours are not acceptable and potentially discriminatory. The letter will state that further incidents will not be tolerated and that they may result in being refused access to **PHA's** premises, or contact with its customers/employees/board members. In cases of physical violence or serious threats the appropriate manager will notify the police.

Complaints made by stakeholders

Where stakeholders are in receipt of inappropriate behaviour from an employee of **PHA**, board member or another stakeholder in connection with **PHA's** business, the stakeholder should also raise the issue with their lead contact. The lead contact will then investigate into the complaint and deal with it in accordance with the appropriate procedure (depending whether the complaint is against an employee, a board member, a contractor, a partner, etc.).

Complaints: Governing Body Members

Where a board/committee member feels they have been discriminated against, victimised or harassed, the aim should be to deal with it informally in the first instance.

Informal Stage

If a board/committee member feels they are in receipt of inappropriate behaviour from another board/committee member, an employee or any stakeholder in connection with **PHA**, they should raise this immediately with the appropriate senior manager. The manager will discuss the issue with whom the complaint is against, explaining the required standards of behaviour and the consequences of failing to comply.

Formal Stage

Where formal action is the most appropriate, and thorough investigation will take place into the complaint. The complaint then will be dealt with in accordance with the appropriate procedure (depending whether the complaint is against an employee, a board member, a contractor, a partner, etc.). In cases of physical violence or serious threats an appropriate manager will notify the police.

Complaints made against a board/committee member

Where a complaint is made against a board/committee member, **PHA's** board/committee complaints procedure will be used as appropriate. The complaint will be investigated by the Chair or another authorised person. If it is found that the inappropriate behaviour occurred, the board/committee member will be warned and informed of consequences of failure to comply with the expected standards of behaviour, which may include removal from the board/committee.

Monitoring the Policy

Responsibility for monitoring the application of this policy will rest with **Director of PHAs**.

The policy will be reviewed every five years with the amendments being made as appropriate and communicated to all staff and relevant stakeholders.