

## **Equality and Diversity Policy**

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## **1. Policy statement**

- 1.1 This policy aims to eliminate discrimination, advance equality of opportunity, foster good relations between different people, tackle prejudice and promote understanding of Equality & Diversity issues.

## **2. Purpose**

- 2.1 The purpose of this Policy is to create a cohesive approach to embed equality into the day-to-day work of the Association and to value diversity.

## **3. Scope**

- 3.1 This Policy applies to all actions by staff, Board or volunteers, by or on behalf of the Association, or which through the use of social media are linked to the Association. This policy does not form part of any employee's contract of employment and we may amend it at any time.

It is applicable to all services provided by the organisation, to employment practices and across all areas of our work, including:

- The treatment of our tenants, applicants and members of the general public
- The advertisement of jobs, recruitment and appointment of staff
- Training, conditions of work, pay and to every aspect of employment
- Actively assisting disadvantaged groups to benefit from our housing services, and to identify the needs of disadvantaged groups within our area of operation
- Contractors, consultants and other bodies who work for us
- The composition of the Board of Management

## **4. Responsibilities**

- 4.1 The Policy generates and is supported by an Equality & Diversity Action Plan, (see Appendix 1) which details how areas for improvement with specified actions and responsibilities.

## **5. Legal Context and Principles**

- 5.1 This Policy defines equality and diversity and underpins our approach to protecting equality and respect for diversity for the future, thus ensuring that the Association meets or exceeds its statutory and regulatory obligations, and demonstrates compliance under the [Equality Act 2010](#) with regard to our general and specific duties and the following protected characteristics:-

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;

- race and ethnicity;
- religion or belief (including lack of belief and ethical veganism);
- sex;
- sexual orientation

5.2 We understand that people are discriminated against for reasons other than protected characteristics covered by the Equality Act 2010 and that we have a moral obligation to challenge discrimination and injustice where practical and appropriate. As an advocate of equality and diversity, we will challenge discrimination based on the following:

- Socio economic group or perception of such
- Responsibility for dependants
- Part time working
- Political affiliation (*provided those views do not run contrary to the principles of this policy*)
- Unrelated criminal activities
- Health
- Appearance and judgement of such

5.3 From the data published by StatsWales for the year ended 31 March 2020, 82% of the population of Merthyr Tydfil consider themselves Welsh. Based on the population estimates (56,207) 48% are male and 52% are female. The age bandings show: Age 0-15yrs 21%; 16-64yrs 63%; 65>yrs 16%. A total of 97% are White and 3% are Black, Asian and Minority Ethnic.

5.4 The delivery of high-quality services requires an understanding and continuing consideration of the needs and preferences of key stakeholders. This information enables the Association to develop and tailor services to meet the diverse range of stakeholder requirements.

5.5 We will actively seek to involve people who have an interest in the way we carry out our functions when implementing the Policy, and in monitoring its' success. This may include former, current and potential service users, staff and the wider community, all of whom are encouraged to come forward with suggestions and feedback to help us to deliver improvements across the full range of our activities.

5.6 As an employer, this Policy describes our arrangements for recruiting, developing and retaining employees from a **diverse** population; ensuring that there is open access to the full range of employment opportunities.

5.7 The principles of equality, fair treatment and social inclusion for all, are the basis for every aspect of our business and operation.

5.8 The Board and Senior Management Team are committed to over-seeing the implementation of the Policy, ensuring that the principles of equality and diversity are upheld and embedded throughout the organisation.

## 6. Equality and Diversity Policy Aims

- 6.1 To have **effective leadership and governance** in place to establish a culture where equality and diversity underpin all that we do; to scrutinise performance and set challenging targets.
- 6.2 We will aim to ensure that our **services are accessible to all**; we will regularly review the impact of our policies, procedures, strategies and services in terms of promoting equality & diversity and eliminating discrimination.
- 6.3 Support and offer **diverse ways to engage** with customers, volunteers, residents, staff and other stakeholders and public bodies, along with local communities in the development, implementation, review and delivery of improvements to the services we provide, ensuring they reflect the individual needs of our customers.
- 6.4 We **improve our knowledge** of our customer profile; ensuring our services are shaped by our understanding of our customers. We will provide services that are sensitive to differences in needs, aspirations, languages and culture and recognise the diversity of local communities and individuals, and fostering good relations between different communities.
- 6.5 Create safe and **secure environments** where all are treated with professionalism, fairness, dignity and respect.
- 6.6 Our **staff understand** our vision and aspirations for equality and diversity.
- 6.7 Take positive action to address any existing disadvantage and encourage a more inclusive society. Board and staff profiles will broadly **mirror the diversity of the communities** in which we work.
- 6.8 Our **procurement** processes and supply partners reflect our commitment to equality and diversity.

## 7. CIH Leading Diversity by 2020

- 7.1 The Association has signed up to the Chartered Institute of Housing (CIH) Leading Diversity by 2020 challenge. We have committed to delivering against the following challenges by 2020 and progress will be monitored in the Equality & Diversity Action Plan:
  1. Know the make-up of your communities and annually consider how you can improve the diversity of your board, leadership and staff teams.
  2. Compile diversity-related data on the composition of your (1) board (2) executive team and (3) total workforce and publish it in an accessible format in your annual report.
  3. Challenge all staff (and external agencies) responsible for recruitment to ensure that all shortlists include appropriate candidates from under-represented groups.

4. Ensure staff members involved in recruitment have completed mandatory training to ensure fair recruitment processes.
5. Set an aspirational target for board/committee recruitment from under-represented groups to ensure that your governance structure is representative of the wider communities you work in.
6. Have in place succession and talent management strategies which reflect the principles of inclusion and diversity, so that all staff can succeed and progress, if they have the right skills and values.
7. Identify and provide appropriate mentoring and coaching opportunities for staff and board members – within your own organisation and/or with external agencies.
8. Make diversity training mandatory for all staff, and use your corporate communications and culture strategies to ensure diversity is embedded within the organisational values.
9. Champion the business case for a diverse workforce and leadership – encourage your colleagues, peers and partners to sign up to the challenges.
10. Sign up and work towards the CIH Charter for Equality and Diversity.

## 8. Discrimination

8.1 It is unlawful to discriminate directly or indirectly or harass other people including current and former employees, current and former Board Members, job applicants, tenants, clients, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts) and on work related trips including social events and on social media.

8.2 Similar legal provisions apply to discriminating in the provision of services to customers.

### 8.3 *Types of Unlawful Discrimination:-*

- **Direct Discrimination** is where a person is treated less favourably than another because of a protected characteristic.
- **Indirect Discrimination** is where a provision, criterion or practice that is applied to everyone but adversely affects people with a particular protected characteristic more than others and is not justified.
- **Harassment** is where there is unwanted conduct, related to one of the protected characteristics which has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. See [Dignity at Work Policy](#) for more on Harassment.
- **Associative Discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).
- **Perceptive Discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected

characteristic (other than marriage and civil partnership, and pregnancy and maternity).

- **Failure to make Reasonable Adjustments** is where there is a failure to make reasonable adjustments to alleviate disadvantages caused by a disability.
- **Third Party Harassment** occurs where you are harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:
  - a) the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
  - b) it must be aware that the previous harassment has taken place; and
  - c) it must have failed to take reasonable steps to prevent harassment from happening again
- **Victimisation** retaliation against someone because they have complained of unlawful discrimination or harassment supported someone to make such a complaint or given evidence in relation to such a complaint.

## 9. The Welsh Language

- 9.1 The Association supports the principle established by the Welsh Language Act 2003 that, we will treat the Welsh and English languages on a basis of equality. We are committed to offering the public an equal standard of service in Welsh and English, in line with the requirements of the Act.
- 9.2 We will do all that it is reasonable to promote the Welsh language and its use throughout our operational areas and have developed a separate Welsh Language Scheme to help us achieve this aim.

## 10. Employment Commitments and Responsibilities

- 10.1 Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted based on merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person and with the involvement of HR. Our recruitment procedures will be reviewed regularly to ensure that individuals are treated based on their relevant merits and abilities.
- 10.2 Job applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the approval of HR, for example:
- a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
  - b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
  - c) Positive action to recruit disabled persons
  - d) Equality & Diversity monitoring (which will not form part of the selection or decision-making process)

- 10.3 Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.
- 10.4 We may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group which we identify as being underrepresented in particular types of job.
- 10.5 Employees will be given equality of opportunity in accessing training to enable them to progress within the organisation.
- 10.6 Part-time and fixed-term employees will be treated the same as comparable full-time or permanent employees and will receive no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment can be justified.
- 10.7 **Our Pledge for Equality in Staffing & Board Membership:**
- The staff team and Board will strive to be representative of the community demographic across the County Borough of Merthyr Tydfil
  - Membership of the Board of Management will be diverse and recruitment campaigns will focus on attracting candidates from underrepresented groups
  - All selection decisions, whether for recruitment, promotion, internal vacancies, training or any other opportunity will be based on merit according to clear, objective criteria
  - All HR policies and procedures, including Reward and Recognition will be applied fairly, consistently and transparently
  - Our Reward policy and benchmarking procedure aims to ensure that our pay system is free from gender bias
  - We will continue to develop practices that promote work-life balance and ensure provision for those who have caring responsibilities
  - We will ensure our culture is inclusive for all
  - We will not tolerate any form of bullying or harassment towards or by staff

## **11. Tenant and Customer Services**

- 11.1 We will offer a range of methods for tenants and customers to contact the Association, including telephone, email, face to face or via the website. We aim to ensure that our services are accessible to all, including access to translation services via Language Line, and a hearing loop system for those visiting our offices.
- 11.2 Properties will be allocated to those who are unable to buy and sustain accommodation suitable to their needs. Fair and open selection criteria will be used, and targets will be set to ensure that the housing requirements of all



sectors of the community, including groups with particular housing and support needs are met.

- 11.3 We will eliminate any form of discrimination in the allocation of homes whether nominated by the Local Authority or allocated by the Association.
- 11.4 We will aim to minimise as far as possible all cases of harassment involving MTHA residents. Where harassment occurs, we will respond quickly and will have processes in place that enable it to be effectively managed, producing the right outcome for the victim. We will promote and develop guidance for a victim-orientated approach to harassment and anti-social behaviour covering all protected characteristics.
- 11.5 We will work with local partners to promote and support community cohesion and to ensure the inclusion of all marginalised groups.
- 11.6 We will have a clear policy for the aids and adaptations that we will supply and fund to accommodate the needs of disabled people and we will maintain an accurate and up-to-date record of all our adapted properties.
- 11.7 We will work with local suppliers, contractors and consultants who share our values and beliefs in relation to equality and diversity. Where it is within MTHA's control to do so, we will ensure that suppliers, contractors and consultants' policies and procedures fully meet the same standards applied within the Association and that they can demonstrate adherence to them.
- 11.8 Where existing suppliers, contractors and consultants fall short of the standard we require, we will work with them to achieve the necessary standard within a reasonable time scale, or we will discontinue using their services.
- 11.9 We aim to have diverse membership of resident groups being able to represent the views of the residents within the area. Consideration will be given to the potential barriers to involvement that may exist locally, and methods used to overcome these.
- 11.10 The Tenants Service Standards Group (TSSG) will be actively consulted on a range of issues, including equality in service delivery. We will ensure that all involved tenants receive required equality training and or adhere to this policy.
- 11.11 Communication will be sensitive to the target audience, including disabled people, vulnerable or marginalised individuals, those who are unable to communicate effectively in English or Welsh, those who are victims of domestic violence and others who may be at a disadvantage due to any other issue.

## **12 Implementation and Equality & Diversity Action Plan**

- 12.1 **All employees** are responsible for the promotion and advancement of this Policy.
- 12.2 All staff are required to comply with the terms of this Policy and Action Plan.
- 12.3 All staff, Board and volunteers will receive training on equality and diversity to support the implementation of this Policy. Equality & diversity training is delivered as part of the induction programme and at least every 3 years in order to keep up to date with new legislation and best practice.
- 12.4 We have consulted and involved staff in the development of this Policy via the Staff Employer Partnership Group (SEPG) and also by consulting with all departments and managers. The SEPG will continue to be the main forum via which we will continue to involve staff generally in the implementation of the Policy and to progress the Action Plan.
- 12.5 Central to the implementation of this Policy will be our approach to undertaking Equality Impact Assessments (EIAs) on our policies, procedures and practices as they relate to people, i.e. in both the service delivery and employment-related aspects of what we do.
- 12.6 This Policy will be available on our website and forms part of our suite of Policy & Procedures that are available to all staff and Board on our intranet (Corporate Drive and Decision Time). The Policy will be publicised through our tenant's newsletter.

## **13. Monitoring Procedures**

- 13.1 We will monitor the implementation of our agreed Equality & Diversity actions and aims through our Equality & Diversity Policy and Action Plan.
- 13.2 We will set meaningful targets that ensure no bias against any minority group. We will aim to achieve high levels of resident satisfaction for all residents regardless of whether they fall within a minority group.
- 13.3 We will undertake regular surveys and use a range of mechanisms to collect and monitor data in relation to customer satisfaction; which is monitored for any differential impact relating to equality and diversity.
- 13.4 Information collected through our tenant census and other contacts with our tenants will be used to update our records and to maintain and up-to-date customer profile. This data will be used for customer profiling to ensure we are properly tailoring our service delivery to specific customer needs.
- 13.5 All complaints received are monitored for equality and diversity impacts.
- 13.6 The board will consider equality and diversity issues when making decisions and as part of the business planning process.

13.7 Monitoring will be carried out by SEPG, Line Managers, Senior Management Team and Board.

13.8 This Policy will be reviewed every 3 years.

## 14. Grievance

14.1 If you consider that you may have been unlawfully discriminated against, you may use the Grievance Procedure (as seen in [Grievance Policy](#) No.12) to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the Dignity at Work policy.

14.2 Use of the Grievance Procedure does not affect the employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

## 15. Breaches of this Policy

15.1 Any employee who discriminates unlawfully and/or breaches the Equality and Diversity Policy may be subject to the Disciplinary Procedure. If the complaint involves bullying the employee should use the [Dignity at Work](#) Procedure in the first instance. Complaints will be treated in confidence and investigated as appropriate.

15.2 In serious cases, such behaviour will be deemed to constitute gross misconduct and, as such, will result in summary dismissal in the absence of mitigating circumstances and may constitute a criminal offence.

15.3 If a Board Member or tenant is a witness to behaviour that is not in line with the values of this policy, they should report the matter to the HR Manager.

15.4 In some cases, it may be necessary to use the [Confidential Reporting & Whistle Blowing Policy](#)

<p><b>Key Performance Areas:</b></p> <ul style="list-style-type: none"><li>• Staff Surveys</li><li>• No of Grievances</li><li>• No of Complaints</li><li>• Equality &amp; Diversity Action Plan – actions implemented / actions overdue</li><li>• Equality Impact Assessments (EIAs)</li></ul>
<p><b>Risk:</b></p> <p>Failure to implement and follow the Equality &amp; Diversity Policy is in contravention of our purpose, values and statutory obligations. The risks of such failure would be damage to our reputation, ability to secure funding and could lead to tribunal claims resulting in both financial and reputational damage.</p>

## 16. References

Related External Documents	
Reference	
Equality Act 2010	Equality Act 2010 (Statutory Duties Wales) Regulations 2011
Employment Rights Act 1996	Employment Relations Act 1999
Special Education Need & Disability Act 2001	Protection from Harassment Act 1997
Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000	Welsh Language Act 2003
Gender Recognition Act 2004	
Equality and Human Rights Commission <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a>	
Related Internal Documents	
5 Year Corporate Plan	
Strategic Risk Map	
CS13 and 13.1 Recruitment Policy and Procedure	
CS16 and 16.1 Disciplinary Policy and Procedure	
CS15 and 15.1 Grievance Policy and Procedure	
FP07 Communication Policy and Procedure	
CS33 and 34 Dignity at Work Policy and Procedure	
CS24 and 24.1 Induction Policy and Procedure	
CS25 and 25.1 Probationary Policy and Procedure	
CS20 and 20.1 Appraisal Policy and Procedure	
CS07 Reward and Recognition Policy	
CPG Welsh Language Scheme	
HR Policy13 Confidential Reporting and Whistle Blowing	
FP16.1 Data Protection Procedure	
FP16a Data Protection Policy – Guidelines for Tenants	
Privacy Notice Information for Tenants (May 2018)	

## 17. Document Control

Document Information	
<b>Business Owner:</b>	Chief Executive
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<b>Document History</b>			
<b>Date</b>	<b>Version no.</b>	<b>Author</b>	<b>Description</b>
July 2020	V1	Chief Executive	

## **18. Equality and Diversity**

Merthyr Tydfil Housing Association aim to assist the borough to have an atmosphere of friendship, respect and care for each other. In particular, we aim to treat everyone equally, regardless of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, political beliefs or offending background that does not create a risk to vulnerable groups including children. Merthyr Housing will not tolerate discrimination, harassment or hate speech of any kind or any behaviour which others find intimidating, upsetting, embarrassing, humiliating or offensive.

An Equality Impact Assessment (EIA) has not been completed on this Policy pending training and then screening assessment.

## **19. General Data Protection Regulations (GDPR)**

The Privacy Notice Information for Tenants (May 2018) provides information we give to tenants regarding the personal data we store and use in line with the new obligations under the General Data Protection Regulations (GDPR).

A Data Privacy Impact Assessment (DPIA) has not yet been carried out on this Policy.