



<b>Equality and Diversity Strategy</b>	
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**OSPREY HOUSING**  
**EQUALITY & DIVERSITY STRATEGY**  
**STATEMENT**

We are committed to promoting equality of opportunity and diversity in our roles as a housing provider and landlord, an employer and in all areas of our business.

We believe everyone is entitled to be treated fairly with dignity and respect.

We are committed to reflecting diversity and delivering equality in all aspects of Osprey's work. We will not tolerate any form of discrimination, whether direct or indirect, and will take positive action to reflect this in our work.

This is encompassed in our Core Values:

- **Ambition and Achievement** – we are a high performing organisation delivering through innovation and challenge
- **Equality and Respect** – we recognise and celebrate the unique value in everyone
- **Quality and Professionalism** – we strive to deliver high standards
- **Agile and Responsive** – we are flexible and quick to deal with change without diminishing our delivery

## 1. Background

Our Equality Strategy is central to organisational governance and its objectives are applied to all organisational services. The strategy describes the principles that we use, not only to address any form of discrimination, harassment or victimisation, but also to promote social justice.

The strategy objectives described in this strategy are implemented through our equality action plan. This plan includes a diverse number of inter-dependent activities which are critical to “equality mainstreaming.” Equality mainstreaming refers to the process of incorporating an equality focus throughout organisational policies and procedures, as appropriate.

It is noted that this strategy applies to all organisational services, including employment services. This is very important as the strategy is corporate, in nature, and extends across each organisational practice.

Our strategy is supported in practice by other specialist equality procedures. These are summarised in Section 4.

## 2. Equality Law

Equality law is complex and various laws are relevant to organisational practices. More information on key legal issues that the strategy covers is provided in Appendix 1.

The Equality Act 2010 specifies nine ‘protected characteristics’ and any sort of discrimination towards people or groups with these characteristics is unlawful. Discrimination has specific meanings, in law, and discrimination can have various forms. Harassment or victimisation of someone else is also unlawful within the Equality Act 2010. The protected characteristics are:

- age
- disability
- gender re-assignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Osprey’s primary responsibility is to ensure that there is no unlawful discrimination, whether direct or indirect. Direct discrimination is treating someone less favourably than others based on a protected characteristic. Indirect discrimination relates to a strategy, practice or criteria that applies to everyone in the same way but might disadvantage a particular protected group. While the law addresses legal discrimination, our strategy addresses any form of discrimination, either unlawful or unfair.

### 3. Equality Strategy Objectives

This Section explains our ten equality strategy objectives. These objectives represent a set of values that we will implement throughout all relevant organisational policies and procedures.

- **Law, regulatory standards and good practice** - We develop and implement organisational policies and procedures in line with law, regulatory standards and good practice guidance.
- **Strategic planning** - We use a range of internal equality procedures to implement equality strategy objectives and this is co-ordinated through an equality action plan.
- **Equality impact assessments** - We assess organisational policies and procedures using our equality impact assessment framework to promote effective implementation of our equality objectives.
- **Equality data collection** - We gather a range of equality data to address any form of unlawful discrimination, as well as using data to address the needs of staff, tenants and other customers.
- **Promoting accessible and appropriate services** - We assess organisational information so that it is accessible, accurate and appropriate, for instance, using positive language to promote respect for other people.
- **Partnership working** - We work with other organisations to promote our equality objectives.
- **Staff development** - We deliver different equality training courses to staff and link training to our staff development procedure so that training is practical and relevant.
- **Managing performance** - We monitor how effectively we implement these strategy objectives through a range of performance indicators; these include quantitative and qualitative measures.
- **Tenant participation** - We consult with tenants and other service users in developing key organisational policies, including our equality strategy objectives
- **Strategy review** - We review our strategy every three years, or sooner if required due to changes in law, regulatory standard or equality guidance.

### 4. Our Procedural Framework

We have established specialist equality procedures that are used to implement equality strategy objectives.

These procedures are the:

- equality action plan
- equality data collection procedure
- equality impact assessment procedure (EIA)
- harassment procedure
- appropriate language guide

### 5. Staff Development

#### 5.1. Staff training

Staff training on our equality strategy and its related procedures is essential if we are to implement strategy objectives effectively. With respect to training, we recognise that there are many forms of equality training; and training must be tailored to specific job requirements.

## **5.2. Types of equality training**

This Section gives examples of different types of equality training we will be providing for our team members:

### **5.2.1 Law, regulatory requirements and guidance**

This type of training would cover topics such as:

- equality law as it applies to employment and services, for instance, the Equality Act 2010 (as amended)
- codes of practice and good practice guidance such as guidance produced by the Equality and Human Rights Commission
- regulatory standards published by the Scottish Housing Regulator

### **5.2.2 Strategy and procedural training**

Strategy and procedural training would cover internal documentation such as our equality strategy, action plan and our equality procedures.

### **5.2.3 Specialist training**

Specialist training would include topics as follows:

- carrying out effective equality impact assessments
- assessing the accessibility of our website
- developing monitoring reports about protected characteristics and how to anonymise such data that are used as part of organisational monitoring

### **5.2.4 Consciousness raising training**

Consciousness raising training includes various topics like:

- recognising different types of discrimination and how to address them
- promoting understanding of theoretical perspectives such as the social model of disability (see note)

## **6. Managing Performance**

Equality monitoring is an essential element within our equality action plan. Equality information is used for practical reasons, including demonstrating compliance with statutory duties. But the main ethical purpose of equality monitoring is to ensure that we address the needs of individual employees, tenants and other customers. Finally, we only process equality data if this satisfies the strict rules covered in data protection law, including processing of sensitive equality data (now known in law as “special category data”). We measure our performance in a number of different ways.

### **6.1. Monitoring equality data – our rationale**

We monitor equality data for various reasons as follows:

- meeting our legal duties, for example, collecting equality data about the accessibility requirements of disabled tenants thus enabling us to make reasonable adjustments
- complying with regulatory standards
- identifying different forms of unlawful discrimination so we can take appropriate actions to address the conduct in question

- using data to improve service delivery as well as promoting positive action programmes (see Section 7)

## **6.2. Why we monitor**

We monitor data strictly in line with law, regulatory requirements and other published guidance. When we monitor data, we ensure that our processing complies with the GDPR, 2016, and statutory data protection provisions.

## **6.3. What we monitor**

We monitor equality data that we gather about Board members, staff, job applicants, tenants and other customers. A fundamental aspect of this process is to clearly explain to people why we are gathering information and what we are doing with it.

## **6.4. How we gather equality data**

We gather equality information through:

- application forms (for housing and/or employment)
- contact with tenants, employees and committee members
- surveys

## **6.5 Why we anonymise the data**

It is important to note that data protection legislation only applies to personal data, so this legislation is of consideration to landlords only if they chose to link data collected to individuals. If collected on a purely anonymous basis and the data is in no way linked to the individual, then it is no longer personal data and data protection considerations will no longer apply. After considering this, the Osprey Board have decided that the equality data collected by us will not be linked in any way to an individual – i.e. no name and signature will be sought and the data is not linked to other identifying information (for example a housing application form). Therefore it is not personal data and the data protection requirements relating to personal data do not apply.

Aggregated data from responses that cannot be linked to individuals can still be used to enhance services. For example: an understanding of both the overall age and family composition profiles of housing applicants can help inform social landlords' development programmes. However, data that is not being linked to an individual in any way (i.e., it is completely anonymous and not personal data) means there is no way of knowing who has filled out the questionnaire or checking if the data provided by respondents is up to date. This means there is no method of refreshing the data without reissuing the questionnaire after a set number of years. Osprey will therefore carry out data refreshing exercises in a two year cycle.

The methodology of requesting the data is crucial when seeking to ensure responses are anonymous. Requests will be sent through our digitalised HomeMaster system but returned through a jot form not linked to the HomeMaster system or by post with SAE thereby ensuring that the individual can return the form without any link back to them. Phone calling will not be used.

## **6.5 Access to equality data**

We have established internal procedures that regulate staff access to personal data; this is done through our data protection strategy and practices. A key data protection principle that we apply is

to restrict access only to staff who need access to provide the appropriate service. We also advise individual people (data subjects) who can access their personal data.

## **7. Positive Action**

Positive action is promoted in law, as well as Scottish Government and national guidance. Positive action must be distinguished from positive discrimination which is, in general, unlawful. We now explain these terms and then what positive actions we take to promote our equality objectives.

### **7.1 Positive action**

Positive action is used to promote access to employment, training opportunities and housing services from people who are under-represented in these areas. For instance, we promote positive action programmes to address economic forms of disadvantage linked to social class and relative poverty. We give tenants advice and support to assist them in maximising the household income to which they are entitled. Positive action initiatives can also be used in service provision, for example, encouraging under-represented groups to apply for housing. This might apply, for instance, to people from black and minority groups such as Polish people.

### **7.2 Positive discrimination**

Positive discrimination is, in general, unlawful as this involves treating people more favourably in relation to one of the relevant protected characteristics. For example, to appoint someone to a job simply on the basis of their race or sex would be unlawful. This would apply even if intentions were to address under-representation as this is what positive action is concerned with. However, positive discrimination is permitted in prescribed circumstances in relation to "*genuine occupational requirements*". Appointments on the basis of or sex or racial groups could be permitted in law, for instance, if this is deemed to be essential for the specific post in question. One example of this would be appointing a Somali woman to provide rape counselling advice to Somali women who are victims of rape.

### **7.3 Our positive action initiatives**

We develop positive action initiatives, as appropriate, through our equality action plan and this takes account of local and national equality statistical information. We use this information to encourage people who have experienced disadvantage historically to use our services and/or apply for employment.

## **8. Our Partner Organisations**

### **8.1 Promoting equality objectives through partnership working**

We work with other organisations to promote our equality objectives. Benefits that arise through joint working include:

- enhanced service availability
- more effective and efficient equality action planning
- sharing of resources to provide more comprehensive services

## **8.2. Our partner organisations**

We work with agencies, both locally and nationally, to promote our equality objectives. Through sharing of resources, this assists us in implementing equality actions contained within our equality action plan. Details of our partners can be found in our Equality Plan.

## **9. Appeals and/or Complaints**

### **9.1 Appeals**

We provide information to our employees, tenants and other customers regarding appeal rights. In the case of staff, appeals about employment matters would initially be made through an internal processes but may eventually be heard at an employment tribunal.

In the case of tenants and other customers, appeals about housing services would be to the Sheriff Court.

In order to promote the human right in respect of the the right to a fair and independent hearing, we include information about appeal rights in our internal documentation. For example, we provide tenants with information about how to appeal our decisions regarding applications concerning tenants' rights. Again, in employment matters, we advise our Team Members of their rights to seek redress in the appropriate policies.

### **9.2 Complaints**

We address complaints about our equality strategy through our complaint handling procedure. We give information about our complaint procedure to all of our tenants and other service users. Any service complaints received in relation to Equality & Diversity issues form part of the Scottish Housing Regulator's Annual Return on the Charter. Any such complaints will be monitored by the Management Team and Governing Body on a continual basis.

## **10. Strategy Review**

### **10.1. Consultation on our equality strategy**

We promote active consultation with tenants in relation to organisational policies. This includes consultation about our equality strategy objectives. We use a wide range of consultation methods to reflect the needs of people in our community.

In developing our participation strategy, we will use equality data collected through our equality data collection procedure to inform how we will consult with individual people. This includes taking account of the accessibility requirements of disabled people.

### **10.2 Review of equality strategy**

This strategy is reviewed every three years unless an earlier review is required due to:

- applicable legislation, rules, regulations and guidance, both those which affect O s p r e y directly and those which affect the resources available to significant numbers of our customers to enable them to sustain tenancies;
- changes in the organisation; and
- continued best practice.



## **Appendix 1**

### **Summary of Key Law and Guidance**

This Section provides references to law and guidance. It is not intended as a comprehensive summary of all law that is relevant to equality matters.

#### **1. Equality Act 2010 (as amended)**

The most important equality law is the Equality Act 2010 (as amended). For example, the Equality Act 2010 Act covers many equality issues, in particular our duties and the rights of individuals. This Act covers both employment and service matters. Two key issues are now explained by reference to the protected characteristics and the public sector equality duty.

##### **1.1 The Protected Characteristics**

The protected characteristics are the grounds covered in the Equality Act 2010 on which discrimination is unlawful. The nine protected characteristics are:

- age
- disability
- gender re-assignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

**Note:** Discrimination has specific meanings, in law, and discrimination can have various forms. Harassment or victimisation of someone else is also unlawful within the Equality Act 2010.

##### **1.2. The Public Sector Equality Duty**

The Equality Act 2010 requires specified public authorities to meet the Public Sector Equality Duty, while Housing Associations are not included on the prescribed list Osprey Housing takes its social responsibilities very seriously and will seek to meet this duty.

There are three core elements within the Duty as follows:

- to eliminate unlawful discrimination
- to advance equality of opportunity between persons with – and those without – a protected characteristic
- to foster good relations between persons with – and those without - a protected characteristic

Two points are noted in respect of this Duty. Firstly, the law deals with unlawful discrimination in respect of the protected characteristics. Our strategy addresses any form of discrimination, either unlawful or unfair. Secondly, the Duty aims, not simply to eliminate discrimination, but to require public bodies to promote equal opportunity. This can involve preventative and proactive measures and our action plan covers both approaches.

## **2. The Scotland Act 1998 (as amended)**

The Scotland Act 1998 is a very important Act as it defines equal opportunities. The statutory definition is 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).

We take this law into account in developing our equality strategy so that it covers grounds not listed under the protected characteristics. For example, we would address discrimination based on someone’s personal characteristics or social origin (social class). We do this through our equality action plan as well as organisational practices. For instance, we address social exclusion that people in low income households experience. We do this by working with individual people to maximise their benefits and other income (rent arrears strategy and procedure).

## **3. Housing (Scotland) Act 2010**

The Housing (Scotland) Act 2010 requires social landlords to promote equality law throughout all of their services. This is, therefore, central to the process of equality mainstreaming.

## **4. Other Laws**

There are various other laws that are concerned with equality matters. This includes the Human Rights Act 1998 that deals with a range of fundamental human rights. We take account of this law in our operational services. For example, we include appeal rights within employment and service policies and procedures, as appropriate, and we have established standards that our staff follow during home visits to respect the privacy and family life of tenants and other service users.

### **4.1 Codes of Practice**

The Equality and Human Rights Commission promotes the implementation of equality and human rights law among organisations. This includes supporting promoting information about rights of individual people. As part of its regulatory and advisory activities, this body produces code of practice that can be statutory or non-statutory in nature. These codes cover both employment and services. We take account of these documents when developing our policies and procedures. We do so as this promotes, not only legal compliance, but quality services in line with recommended practice.

## **5. Housing Regulatory Standards**

### **5.1 The Scottish Housing Regulator**

The Scottish Housing Regulator requires social landlords to implement and promote equality standards. This is explained by reference to the Scottish Social Housing Charter and Finance and Governance.

- **Scottish Social Housing Charter** - The Scottish Social Housing Charter has, as its first objective (or outcome) an equality related standard (for tenants and other customers). This standard requires us to carry out our housing services so that:

*"Every tenant and other customer has 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 re-assignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation. It includes landlords' responsibility for finding ways of understanding the different needs of different customers and delivering services that recognise and meet these needs"*

*(Scottish Social Housing Charter, 2017).*

- **Finance and Governance** - The Scottish Housing Regulator has established specific standards that we must promote. Firstly, we must conduct our affairs with honesty and integrity (Standard 5). This includes:

*"... paying 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 its work, including its governance arrangements."*

(Scottish Government, 2019, page 14, Regulation of Social Housing in Scotland: Our Framework).

Secondly, we must:

*"Have assurance and evidence that (we) consider equality and human rights issues properly when making all of (our) decisions, in the design and review of internal and external policies, and in (our) day-to-day service delivery."*

To comply with these duties:

*"...we must collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waiting lists, governing body members and staff. Local authorities must also collect data on protected characteristics for people who apply to them as homeless. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these service users"*

(Scottish Government, 2019, page 8, Regulation of Social Housing in Scotland: Our Framework).

## **6. Guidance**

Good practice guidance on equality matters is produced by a range of organisations, including research based guidance. Guidance is produced by bodies such as the Equality and Human Rights Commission, the Scottish Federation of Housing Associations and the Chartered Institute of Housing.

