

Item: 7

Education, Leisure and Housing Committee: 9 June 2021.

Equal Opportunity and Diversity Policy – Housing Services.

Report by Executive Director of Education, Leisure and Housing.

1. Purpose of Report

To consider a revised Equal Opportunities and Diversity Policy and Action Plan relating to Housing Services.

2. Recommendations

The Committee is invited to note:

2.1.

That the Council has significant requirements in relation to equalities within delivery of its housing services.

2.2.

That a Housing Service specific policy on equalities has been in place for use by Housing Services since 2006, which was last reviewed in 2012.

2.3.

That, as the area of equality and diversity continues to grow and develop, the Equality and Diversity Policy for Housing Services has been significantly reviewed to ensure that it remains reflective of legislation, guidance and good practice.

It is recommended:

2.4.

That the Equality and Diversity Policy for the Housing Service, together with the Action Plan, attached as Appendices 1 and 2 respectively to this report, be approved.

3. Background

3.1.

The Council is required through the Housing (Scotland) Act 2001 to exercise its housing functions in a manner which encourages equal opportunities and observes equal opportunity requirements laid out in other legislation and regulation.

3.2.

Further the Housing (Scotland) Act 2010 requires every social landlord to “act in a manner to encourage equal opportunities”.

3.3.

The Equality Act 2010 requires the Council to meet the Public Sector Equality Duty more widely.

3.4.

In addition to the legislative requirements covering equalities within the Housing Service, the Scottish Housing Regulator has published specific equality requirements that social landlords must meet.

3.5.

The Scottish Social Housing Charter 2017 also incorporates a specific standard and outcome relating to equalities which states:

“Social landlords perform all aspects of their 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 reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords’ responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these”.

3.6.

In submitting its Annual Assurance Statement, the Council is required to confirm that it meets all legislative requirements relevant to provision of housing services and these include a range of equality requirements.

3.7.

The Council holds accreditation at the National Standard for Information and Advice Providers and is specifically required to evidence that it has a clear policy on equal opportunities, that this informs its service provision, its employment practices and standards of accessibility and customer care – specifically in respect of ensuring the needs of all service users can be met appropriately and with respect.

3.8.

Therefore, equalities is central to the provision of housing services and in response the Housing Service has had an Equalities Policy specifically for its use, since 2006. In addition, it has an Accessibility Policy to inform the provision of housing services.

4. Equality and Diversity Policy

4.1.

Since the original policy was implemented in 2006, the Housing Service has mainstreamed the principles of its policy and equality monitoring has become embedded in service provision as required. The Equality Policy was last reviewed in 2011/12 and reported to the Social Services and Housing Committee on 21 February 2012.

4.2.

The field of equality and diversity continues to grow and develop and therefore it became necessary to substantially review the policy to ensure that it remained reflective of legislation, guidance and good practice.

4.3.

It is anticipated that additional requirements will be necessary in the area of equalities monitoring in the near future.

4.4.

Should the draft Equal Opportunity and Diversity Policy, attached as Appendix 1 to this report, be approved, there will be a need to progress various procedural changes in order to fully implement the policy. An action plan for delivery is attached as Appendix 2 to this report.

5. Equality and Diversity Action Plan

5.1.

Delivery of the action plan, attached as Appendix 2 to this report, will require the development of various specific procedures including those in relation to harassment to interlink with the existing anti-social behaviour policy.

5.2.

In addition, there will be a need to enhance existing procedures in relation to equality data collection to ensure that this is further developed to allow monitoring against all protected characteristics.

5.3.

The Council has duties in relation to tenant consultation and involvement. In this case many of the changes relate to the requirements of legislation, guidance and good practice and therefore tenants and other service users require to be informed of any changes which will affect them.

5.4.

Tenant consultation will be focussed specifically around the area of equality policy objectives and the development of specific procedures and written information and will be operational in nature.

6. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 3 to this report.

7. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

8. Financial Implications

There are no financial implications associated directly with the recommendations to this report.

9. Legal Aspects

9.1.

Section 106 of the Housing (Scotland) Act 2001 places a duty on local authorities to exercise the functions conferred on them by the Act in a manner which encourages equal opportunities and observes equal opportunity requirements laid out in other legislation and regulation.

9.2.

The Equality Act 2010 requires the Council to meet the Public Sector Equality Duty. This Duty contains 3 elements, specifically:

- Eliminating unlawful discrimination.
- Advancing equality of opportunity between persons with – and those without – a protected characteristic.
- Fostering good relations between persons with – and those without a protected characteristic.

9.3.

The Housing (Scotland) Act 2010, Section 39 requires every social landlord “to act in a manner to encourage equal opportunities”.

9.4.

The Housing (Scotland) Act 2001, requires that the Council consult with its tenants on any changes to policies or services which affect them.

9.4.1.

As noted in Equality and Diversity policy doc at appendix 1 at 10.1 “Consultation is part of our Tenant Participation Strategy and we use a wide range of consultation methods to reflect the needs of people in our community. These methods also take into account accessibility requirements of disabled people.”

9.4.2.

And Action plan at appendix 2 action 8

“During 2021, we will consult with tenants and other customers regarding the following documentation:

- our equality policy objectives; and
- our data collection procedure.”

9.4.3.

The consultation must be at a time when proposals are still at a formative stage. Secondly, that the committee must give sufficient reasons for any proposal to permit of intelligent consideration and response. Thirdly that adequate time must be given for consideration and response and, finally, fourthly, that the product of consultation must be conscientiously taken into account in finalising any proposals.

10. Contact Officers

James Wylie, Executive Director of Education, Leisure and Housing, extension 2401, Email james.wylie@orkney.gov.uk.

Frances Troup, Head of Community Learning, Leisure and Housing, extension 2177, Email frances.troup@orkney.gov.uk.

11. Appendices

Appendix 1: Draft Equal Opportunity and Diversity Policy.

Appendix 2: Draft Action Plan for Delivery.

Appendix 3: Equality Impact Assessment.



Equality and Diversity Policy

May 2021

This policy can be produced in other formats such as in larger print, Braille or audio-format; it can also be translated into other languages, as appropriate.

Version Control

Document Reference.	Rev.	Issue Date.	Reason for Issue.	Reviewer.	Sign.
HD POL 133.	Draft.	10 May 2021.	New (replaced 049).	Head of Community Learning, Leisure and Housing.	

Contents

Section 1: Strategic Objectives	5
1.1. Governance Framework and Implementing Equality Policy Objectives	5
1.2. Equality and Diversity Principles	5
1.3. Consultation	6
1.4. Summary	6
Section 2: The Legal and Regulatory Framework – A Summary	7
2.1. The Legal Framework	7
2.2. Equality Act 2010 (as amended)	7
2.3. Other Law	8
2.4. Housing (Scotland) Act 2010	8
2.5. Codes of Practice	8
2.6. Regulatory Standards	9
2.7. Summary	9
Section 3: Equality Policy Objectives	10
3.1. Rationale.....	10
3.2. Summary	11
Section 4: How We Implement Policy Objectives	12
4.1. Our Equality Action Plan.....	12
4.2. Our Equality Data Collection Procedure	12
4.3. Our Equality Impact Assessment Procedure (EIA)	12
4.4. Our Harassment Procedure	13
4.5. Our Appropriate Language Guide.....	13
4.6. Summary	13
Section 5: Staff Training	14
5.1. Equality Training and Policy Implementation	14
5.2. Examples of Equality Training	14
5.3. Summary	15
Section 6: Managing Performance	16
6.1. Reasons for Equality Monitoring	16
6.2 Using Equality Monitoring Information	16
6.3. Summary	16

Section 7: Promoting Equality Objectives	17
7.1. Background.....	17
7.2 Positive Action	17
7.3 Positive Discrimination.....	17
7.4. Our Positive Action Initiatives	17
7.5. Summary	17
Section 8: Developing Partnerships	19
8.1 Partnership Working and Promoting Equality Objectives.....	19
8.2. Our Partner Organisations.....	19
8.3. Summary	19
Section 9: Appeals or Complaints	20
9.1. Appeals.....	20
9.2. Complaints.....	20
9.3. Summary	20
Section 10: Policy Consultation and Review	21
10.1. Consultation on our Equality and Diversity Policy.....	21
10.2. Review of Equality and Diversity Policy.....	21
10.3. Summary	21
Appendices	22
Appendix 1: Law and Guidance	22
Appendix 2: Public Sector Equality Duty.....	23
Appendix 3: Useful Contacts	24

Note: The equal opportunity and diversity policy is referred to generally as “our policy” to promote plain language.

Section 1: Strategic Objectives

1.1. Governance Framework and Implementing Equality Policy Objectives

Orkney Islands Council has established a number of equality related policies and plans which cover the Council's activities and aim to ensure that equality matters are integrated within all our policies and practices. As part of this process, we will ensure that equality matters are integrated within all our policies and practices.

This document has been produced by Housing Services (including Papdale Halls of Residence) and is intended to ensure that we:

“act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being related to equal opportunities” (Housing (Scotland) Act 2010, Section 39).

The values within this equality and diversity policy, apply specifically to all housing services.

In order to implement our equality objectives, we have developed a comprehensive equality action plan. This plan covers a wide range of inter-dependent activities and is critical to incorporating equality matters throughout all organisational services. This process is often referred to as “equality mainstreaming.”

Our equality policy does not stand alone but is supported by various specialist equality procedures. Each of these procedures is explained in Section 4.

Note: From this point onward, we refer to this policy simply as the equality policy.

1.2. Equality and Diversity Principles

We are committed to the promotion of communities that are popular and inclusive by creating an environment where people can live and work free from any form of discrimination, harassment or victimisation.

We are also committed to ensuring these principles also apply to our school care accommodation service.

We use our equality and diversity policy - and its related equality action plan - to implement the Scottish Housing Regulator's equality requirements (see Section 2).

We also use this framework 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”

(Scottish Social Housing Charter, 2017).

1.3. Consultation

We develop through consultation with tenants and other service users through our Tenant Participation Strategy.

1.4. Summary

Our equality and diversity policy is central to the delivery of housing services. Our policy is supported by a range of procedures to ensure a holistic and practical approach. The central aim of this process is to mainstream equality and diversity matters throughout all housing services.

Section 2: The Legal and Regulatory Framework – A Summary

Section 2 summarises the legal and regulatory framework that govern our equality practices. It is not intended as a precise statement of law, but simply as a plain language overview.

2.1. The Legal Framework

Although the Equality Act 2010 contains most relevant equality law, equality law is covered in other laws too. It is emphasised that the legal framework is subject to ongoing change¹ (see Appendix 1). At the corporate level, Orkney Islands Council is a designated public sector body and must comply with statutory duties in respect of the Public Sector Equality Duty.² The Council must also comply with the Specific Duties that require prescribed public bodies to monitor and report on a range of equality issues linked to the protected characteristics. Information about how the Council meets the general and specific duties of the Equality Act are contained within and the reports available from <https://www.orkney.gov.uk/Council/C/Equality-and-Diversity.htm>

2.2. Equality Act 2010 (as amended)

The most important Act covering equality issues is the Equality Act 2010 (as amended). This Act addresses a broad range of equality issues, including rights and duties in respect of employment and service matters. Two main issues are now summarised, namely the protected characteristics and the public sector equality duty.

2.2.1 The Protected Characteristics

The protected characteristics are the grounds on which discrimination is unlawful (see note). The nine protected characteristics are (in alphabetical order):

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

¹ For example, a new duty in relation to addressing socio-economic disadvantage for specified public bodies came into force in 2018. This is very important as addressing poverty issues associated with social class is critical in the Scottish housing context. See SSI 2017 No. 403 The Equality Act 2010 (Commencement No. 13) (Scotland) Order 2017 introduced the duty contained in the Equality Act 2010 from 1 April 2018.

² The Equality Act 2010, section 149. This duty applies to discrimination, harassment, victimisation and any other form of conduct prohibited under the Equality Act 2010.

Note: Discrimination has various meanings under this Act so that unlawful discrimination has various legal forms with distinct meanings. Harassment or victimisation of another person is also unlawful in terms of the legislation.

2.2.2. The Public Sector Equality Duty

The Equality Act 2010 requires the Council to meet the Public Sector Equality Duty.

This Duty contains three elements, namely:

- eliminating unlawful discrimination;
- advancing equality of opportunity between persons with – and those without – a protected characteristic; and
- fostering good relations between persons with – and those without - a protected characteristic.

Equality law focusses, therefore, not simply on eliminating unlawful discrimination, but on adopting a proactive and/or preventative approach to addressing discrimination.

Note: See appendix 2 for information about two other statutory duties that Orkney Islands Council implements across all services.

2.3. Other Law

Other law is important from an equality perspective too. For example, equal opportunities is defined in Scots law.³ 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”.

2.4. Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010, section 39, requires every social landlord to “act in a manner to encourage equal opportunities.”

This is very important as this requirement is central to the process of equality mainstreaming.

2.5. Codes of Practice

The Equality and Human Rights Commission issues codes of practice that provide detailed guidance in respect of implementing legal duties effectively. The Council adheres to these codes in its operational practices.

³ See the Scotland Act 1998, Schedule 5, L2. This section was amended by the Scotland Act 2016.

2.6. Regulatory Standards

The Scottish Housing Regulator has published specific equality requirements that social landlords must meet.

For example, the Scottish Government regulatory financial and governance standard requires us to conduct our affairs with honesty and integrity (Standard 5) by:

“..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).

Another important regulatory document concerning equal opportunity is in relation to assurance and notification requirements. Under this, the Council must:

“Have assurance and evidence that it considers 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.”

Further, and to comply with these duties, landlords 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 users⁴

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

2.7. Summary

Equality law is complex and continues to evolve. Law is supported by regulatory requirements as well as codes of practice. Our policy takes all relevant information into account to promote compliance with this framework.

⁴ We have developed an equality data collection procedure to address this requirement. This is aligned to our data protection strategy.

Section 3: Equality Policy Objectives

3.1. Rationale

Our equality policy objectives describe the values that we promote. These objectives constitute a set of activities that we implement through our equality action plan.

Objective 1

We meet all relevant law and regulatory requirements concerning equality matters; and we promote good practice throughout our services.

Objective 2

We use a comprehensive equality action plan to incorporate equality issues throughout organisational policies and practices; this is sometimes referred to by the technical term “equality mainstreaming.”

Objective 3

We use a range of specific equality procedures to implement our policy effectively, for instance, the Council’s equality impact assessment process.

Objective 4

We gather equality data as part of our statutory duties; and this data is used to provide appropriate services to our tenants and other service users.

Objective 5

We assess all public information so that it is accessible, accurate and appropriate; this includes using positive language to promote respect for other people.

Objective 6

We foster an inter-agency approach to ensure consultation with groups representative of equality issues, for example, Women’s Aid Orkney and Orkney Disability Forum.

Objective 7

We provide a range of equality training courses for our staff, including consciousness raising training that is vital to address diverse forms of discrimination.

Objective 8

We manage our performance through our comprehensive equality impact assessment procedure and our equality performance management system.

Objective 9

We have established a tenant participation strategy and consult with tenants, other customers and representative groups on our equality policy objectives.

Objective 10

We review our policy every five years, or sooner, as appropriate, for instance, due to changes in law, regulatory requirements and/or equality guidance.

3.2. Summary

We apply the policy objectives above to mainstream equality values throughout our services. Central to this process is our equality action plan that is supported by a range of specialist equality procedures.

Section 4: How We Implement Policy Objectives

In order to implement our policy objectives comprehensively, we have established specific internal procedures.

These procedures are our:

- equality action plan;
- equality data collection procedure;
- equality impact assessment procedures;
- harassment procedure; and
- appropriate language guide.

4.1. Our Equality Action Plan

Our equality action plan is comprehensive and is linked to all services carried out by Housing Services.

The action plan used a robust approach based on housing research to promote effective equality rights implementation. This framework is explained within the equality action plan.

Note: Our equality action plan is reviewed annually by the Service Manager (Housing, Homelessness and Schoolcare Accommodation).

4.2. Our Equality Data Collection Procedure

We have established a equality data collection procedure that is applied to our housing services. Equality data collection is also a key activity within our equality action plan.

The equality data collection involves a multi-disciplinary approach and draws on the following legal and guidance sources:

- data protection law and guidance⁵;
- equality law and guidance;
- family law and guidance;
- freedom of information law and guidance;
- housing law and guidance; and
- human rights law and guidance.

4.3. Our Equality Impact Assessment Procedure (EIA)

We use the Council's corporate equality impact assessment procedure to ensure that our organisational policies, procedures and other documentation comply with relevant standards.

⁵ Within the UK, key law is the Data Protection Act 2018 and the UK GDPR.

4.4. Our Harassment Procedure

Equality related harassment can occur in relation to the protected characteristics. We address discrimination and harassment – unlawful and/or unfair forms of such behaviour – through our Antisocial Behaviour Policy.

We support people who experience discrimination and/or harassment and advise them of options available to address such conduct. This is an important to develop a person-centred focus and involve individual people in the decision-making process.

4.5. Our Appropriate Language Guide

We use our appropriate language guide to promote respect for other people, including making staff aware of links between language and discrimination (or harassment). Our guide is, therefore, important in encouraging housing staff to reflect on language use and how appropriate language promotes equality values.

4.6. Summary

Our equality and diversity policy is the framework of values that we use to promote equality objectives. But this policy by itself is insufficient to achieve change. The equality policy is implemented, in effect, through our equality action plan and internal procedures. These documents are linked systemically to promote the mainstreaming of equality objectives into practice.

Section 5: Staff Training

5.1. Equality Training and Policy Implementation

Equality training is essential for effective implementation of policy objectives. Equality training also involves a range of different activities.

In planning our training, we take account of our Staff Training and Development Policy and therefore our staff training needs assessments. This ensures that training is linked to actual job roles and future development needs. Central to our training provision is the importance of staff training focused on rights and addressing the needs of individuals.⁶

This approach is essential for ensuring value for money as part of corporate Council commitments.

5.2. Examples of Equality Training

Examples of equality training for different categories are shown below using specific headings.

5.2.1. Law and Guidance

Law and guidance training covers issues such as:

- equality law in relation to services, for example, the Equality Act 2010;
- codes of practice and other good practice guidance, for instance, information produced by the Equality and Human Rights Commission; and
- regulatory provisions issued by the Scottish Housing Regulator.

5.2.2. Policy and Procedural Training

Policy and procedural training covers issues such as:

- equality policy and action plan training; and
- our equality procedures.

5.2.3. Technical Training

Technical training covers issues such as:

- carrying out effective equality impact assessments to mainstream equality objectives throughout policies and procedures;
- ensuring the accessibility of written information for our website; and
- carrying out effective equality data monitoring.

⁶ In March 2008 we successfully gained accreditation with the National Standard for Information and Advice Providers which ensures that our provision of Homelessness and Housing Advice Services meet the National Standard and are accessible to all. As part of this, all our staff are trained to the National Standard by completing the Professional Development Award in Housing Law for Advisors. This is currently delivered by Shelter Scotland. Our services are accredited by the Scottish Legal Aid Board and re-accreditation is on a 3 – 4 year cycle.

5.2.4. Consciousness Raising Training

Consciousness raising training would cover issues such as:

- recognising and assessing the different forms of discrimination and harassment and how to address them; and
- promoting awareness of theoretical perspectives that are promoted by the Scottish Government and the Equality and Human Rights Commission, for example, the social model of disability.

5.3. Summary

Equality training is critical to achieving equality mainstreaming. To be effective, equality training is linked to our Staff Training and Development Policy and our Line Management Procedures and consequently links to our Employee Review and Development system. Equality training is, therefore, a mandatory activity.

Section 6: Managing Performance

6.1. Reasons for Equality Monitoring

Performance management is essential for several reasons. Firstly, performance management of equality related activities is necessary to comply with statutory and regulatory duties.

Secondly, it is critical to assess whether our services meet quality standards for individual people, as well as assuring value for money.

Thirdly, it is important to review performance so that areas for improvement can be identified and actions implemented, as appropriate.

6.2 Using Equality Monitoring Information

Through our Annual Assurance Statement, we provide information in respect of our equalities monitoring on an annual basis.

We also use this information to review the equality policy, and other housing policies, on a regular basis and consult with tenants, where relevant, as part of this review.

Such reviews are necessary to ensure housing documents are:

- updated in the light of any legislative developments; and
- remain reflective of the views of our service users.

6.3. Summary

We monitor a range of equality issues and publish information on our performance. In housing services, we use a range of performance measures and consult about them with tenants and other service users. We do this through our Tenant Participation Strategy.

Section 7: Promoting Equality Objectives

7.1. Background

We promote equality objectives through our statutory duties, as well as by structuring our services to promote equality mainstreaming.

We also promote positive action initiatives as contained in law and guidance; these initiatives are implemented to support people with relevant protected characteristics. Positive action is distinguished from positive discrimination that is generally unlawful. These terms are explained below before describing our equality actions to promote our equality objectives.

7.2 Positive Action

Positive action initiatives are used to promote access to employment and training opportunities to persons who are under-represented in employment in housing.

Positive action initiatives can also cover housing services, for example, by encouraging under-represented groups to apply for housing. This might include people from black and minority ethnic groups.

Note: Within our equality policy, we also promote positive action to cover persons who are disadvantaged due to social class and relative poverty. For example, we provide advice and support to support tenants to maximise the income to which they are entitled.

7.3 Positive Discrimination

Positive discrimination is, in general, unlawful as this involves treating people more favourably due to one of the relevant protected characteristics, for example, due to their sex or racial group. This can apply in respect of services and/or employment.

Appointments on the basis of or sex or racial groups could be permitted in law, though, if this is essential for the specific post in question.⁷

7.4. Our Positive Action Initiatives

We consider what positive action initiatives might be required using the equality data that we gather each year. We also take account of specialist guidance on this topic.⁸

7.5. Summary

We develop positive action initiatives, as appropriate, as part of our equality action plan. These are based on an assessment of local and national equality statistical data patterns that are used to identify and assess patterns of disadvantage. Through

⁷ These are often referred to as “genuine occupational requirements.” One example of this could be appointing a woman to provide rape counselling advice to women who are victims of rape.

⁸ See, for example, the SFHA National Guidance, 2021.

this approach, we address barriers to services and training opportunities that can affect those with protected characteristics and those without such characteristics.

Section 8: Developing Partnerships

8.1 Partnership Working and Promoting Equality Objectives

Partnership working is key to comprehensive equality action planning as joint working enables resources to be pooled, as well as enhancing access to appropriate services.

We promote active local partnerships in Orkney, then, to promote the rights and interests of people living in a diverse range of communities.

8.2. Our Partner Organisations

We consult or work with a range of organisations to promote equality objectives. Examples of these organisations are:

- Orkney Blide Trust;
- Orkney Disability Forum;
- Voluntary Action Orkney.

8.3. Summary

Partnership working is central to our equality strategy. We work with agencies, both locally and nationally, to promote our equality objectives.

Section 9: Appeals or Complaints

9.1. Appeals

We provide information to tenants and other service users of how to access advice and assistance to promote appeals relating to equality issues.

Appeals about housing services would be to the Sheriff Court.

9.2. Complaints

Orkney Islands Council operates a corporate means of recording and dealing with complaints. Further information can be found in our leaflet on complaints.

9.3. Summary

We provide advice and information as to where individuals can seek independent legal advice. This is in line with our commitment to promote human rights, in particular so that people can access a fair and independent hearing. We also provide tenants and other customers with information about our complaints process.

Section 10: Policy Consultation and Review

10.1. Consultation on our Equality and Diversity Policy

Consultation is part of our Tenant Participation Strategy and we use a wide range of consultation methods to reflect the needs of people in our community. These methods also take into account accessibility requirements of disabled people.

This equality policy deals specifically with equal opportunities in the delivery of housing services. The framework for this is determined by legislation but it is vital to provide efficient services to our tenants that are:

- sensitive to the rights and needs of individuals;
- considerate to their individual situations and
- ensure that we maximise the use of our stock.

The consultation arrangements for this document are, as well as our tenant participation strategy, closely linked to the following activities, namely our:

- advice and information strategy;
- ongoing assessment of the Homelessness Service and
- drive to improve our strategic documents to ensure openness and clarity.

The process of consultation involves a range of activities including:

- a discussion with our Residents' Panel;
- Consultation interlinked with the development of our revised Tenant Participation Strategy;
- assessment of existing documentation and/or practices;
- focus groups and/or working parties involving tenants and other service users;
- staff consultation; and
- media including social media, for example, articles in Housing News.

10.2. Review of Equality and Diversity Policy

We review our Equality and Diversity Policy every five years or sooner, as appropriate. For instance, we may review our Equality Policy due to changes to law or regulatory requirements.

10.3. Summary

We consult with tenants and other service users when developing our Equality Policy. This is based on law and good practice in line with our Tenant Participation Strategy, as well as other internal processes.

Appendices

Appendix 1: Law and Guidance

This section notes two key laws and where guidance is available relating to equality matters. A more complete list of relevant laws and guidance is not provided as this is quickly outdated due to ongoing changes as law and guidance evolve.

Key laws

Equality Act 2010 (as amended).

Human Rights Act 1998 (as amended)

Secondary legislation

There is a large number of statutory instruments (and Scottish statutory instruments) available on the Scottish Government website.

Equality and Human Rights Commission

The statutory and non-statutory codes are available on the Equality and Human Rights Commission's website.

Housing Guidance

Guidance on equality practices is comprehensive and covers many issues, both specialist and general.

With reference to housing specifically, examples of guidance and research are as follows:

SFHA (2021): Collecting Equality Information: Guidance for Scottish Social Landlords.

CIH (2010) Equalities and Diversity in Housing, CIH Scotland.

CIH (2011) Delivering the Equality Act 2010, CIH.

CIH (2009) Equality, Diversity and Good Relations in Housing, Good Practice Brief, CIH.

Appendix 2: Public Sector Equality Duty

The Specific Duties

Designated public bodies are also subject to what are known as the Specific Duties. These duties require prescribed public bodies to monitor and report on a range of equality issues linked to the protected characteristics.

The main issues to be monitored cover (in plain language):

- equality mainstreaming;
- equality outcomes, including progress through time;
- an assessment of new or revised policies and practice (“equality impact assessment”);
- the gathering, usage and publication of employee information;
- the usage and publication of Elected Members’ data;
- information about any gender pay gaps;
- an equal pay statement;
- award criteria and contract conditions in relation to public procurement; and
- publish information in a manner which is accessible.

The Socio-economic Duty / Fairer Scotland Duty

This important Duty applies to designated public authorities and is intended to address socio-economic disadvantage. This refers to inequality that arises due to relative poverty arising largely from people’s economic and social position within society. This Duty is particularly important from the perspective of disability-related employment matters given their disproportionate representation in the workplace.

This is a complex, multi-dimensional problem, closely related to poverty. Having less access to resources can mean that individuals fare worse on outcomes including health, housing, education or opportunities to work or train, and these negative outcomes can reinforce each other. Adversity in childhood can have life-long impacts, and growing up in poverty is associated with poorer educational attainment, employment prospects and health inequalities. Therefore it is crucial that public bodies consider the impact that their decisions have on socio-economic disadvantage and the inequality of outcome that both adults and children may experience as a result. The Equality Impact Assessment incorporates the requirements of the Fairer Scotland Duty and includes sections on socio-economic deprivation as part of the overall assessment process.

Appendix 3: Useful Contacts

Service.	Contact Details.
Housing Services.	Council Offices, Kirkwall. Telephone: 01856873535. Fax: 01856886530. Email: housing@orkney.gov.uk
Age Scotland.	6 Bridge Street, Kirkwall. Telephone: 01856872438. Fax: 01856875455.
Citizen's Advice Bureau.	Anchor Buildings, Bridge Street, Kirkwall. Telephone: 01856875266.
Orkney Disability Forum.	1 Mackay's Buildings, Junction Road, Kirkwall. Telephone: 01856870340. Email: odf@orkney.com
Relationships Scotland.	Orkney Counselling and Support Centre, 1st Floor, Travel Centre, West Castle Street, Kirkwall, KW15 1GU. Telephone: 01856877750. Email: enquiries@rsorkney.org.uk
The Talking Newspaper.	Orkney Library, Junction Road, Kirkwall. Telephone: 01856873843.
Women's Aid Orkney.	Junction Road, Kirkwall, Orkney, KW15 1HR. Telephone: 01856877900. Email: womensaidorkney@btconnect.com
Equalities and Human Rights Commission.	The Optima Building, 58 Robertson Street, Glasgow, G2 8DU. Telephone: 08088000082. Email: scotland@equalityhumanrights.com Website: www.equalityhumanrights.com/scotland
The Mental Welfare Commission for Scotland.	Thistle House, 91 Haymarket Terrace, Edinburgh, EH2 5HE. Helpline: 08003896809. Email: enquiries@mwscot.org.uk Website: www.mwscot.org.uk



Housing Services Equality and Diversity Action Plan May 2021

We can provide this document in different formats, for example, in larger print, Braille or audio-format; the document can also be translated into specific languages, as appropriate.

Contents

Section 1: Background	3
Section 2: Principles Underpinning the Equality Action Plan	3
Section 3: Key activities	3
Section 4: Action plan template	4
Action 1: Equality Data Collection	5
Action 2: Equality Policy and Procedural Documentation	6
Action 3: Equality Impact Assessments (EIA)	7
Action 4: Performance Management	8
Action 5: Training	9
Action 6: Partnership Working	11
Action 7: Positive Action Programmes	13
Action 8: Consultation, including tenant participation	14

Section 1: Background

The Equality and Diversity Action Plan is used to implement our equality and diversity policy objectives into practice. The action plan is, thus, essential for mainstreaming equality issues throughout housing services. The equality and diversity action plan is simply referred to as the plan below for ease of reference.

Our plan describes the range of activities that we are implementing for the period April 2021 to end of March 2022. This plan is amended continually as individual activities are completed and / or updated to include new activities.

The plan takes into account relevant organisational factors, including organisational scale and resources, as well as our strategic policy commitments.

Section 2: Principles Underpinning the Equality Action Plan

We have developed the plan based on research that demonstrates how effective rights implementation depends on:

- applying a sound theoretical approach; and
- identifying a range of key organisational factors that must be included if rights are to be implemented effectively.

Our method can be explained, in general, by reference to systems theory which recognises the inter-dependence of all organisational activities. In applying this approach, for example, we recognise that all organisational activities are inter-dependent and require, therefore, a holistic approach to be taken. By understanding this point, we recognise that failing to implement any specific activity will have a negative impact on effective rights implementation. We also apply “essentialist principles” in recognition of the fact that Local Authorities are “creature of statute” whose practices operate to implement law, regulatory standards and reflect good practice.

Further information is provided in Appendix 1.

Summary

By adopting this approach, we ensure that we focus on key issues related to effective equality rights implementation and apply a framework that covers organisational services comprehensively.

Section 3: Key activities

Research indicates that an effective rights strategy must take account of specific organisational elements which must be developed in a logical manner. By adopting this approach, eight key inter-dependent activities covered in the plan are as follows:

- equality data collection;
- equality policy and procedural documentation;
- equality impact assessments;
- performance management;
- training;

- partnership working;
- positive action programmes; and
- consultation, including tenant participation.

Section 4: Action plan template

In order to ensure organisational commitment at senior organisational levels, the plan is monitored by our Service Manager (Housing, Homelessness and Schoolcare Accommodation).

The plan is structured to facilitate regular updating as activities develop. Key points to note are:

- each action is prefaced with an explanation of its purpose in promoting the overall equality strategy;
- each service action is linked to a list of activities;
- each activity is specified along with those persons responsible for implementing and/or co-ordinating implementation, a list of outcomes with scope for making comments too; and
- time scales and/or targets for completion are specified which are flexible and may be altered depending on other organisational priorities.

Action 1: Equality Data Collection

We process equality data in line with data protection law; most of the equality data that we gather in relation to the protected characteristics is known under data protection law as “special category” data.

In order to process such data lawfully, we must use one or more specified lawfulness conditions.

With respect to the collection of equality data, we do this through our internal equality data collection procedure.

The collection of equality data is critical to effective implementation of the plan as data is used for various purposes, including the provision of appropriate services that are tailored to addressing individuals’ needs.

For example, by collecting information about disabled people, we can then make reasonable adjustments to address their needs. This ensures compliance with relevant equality law.

Equality data collection is dealt with first in the plan given its central role in shaping service provision.

Activity.	Responsible Person(s).	Timescale.	Outcome.	Comments.
Equality data collection procedure.	Head of Community Learning, Leisure and Housing.	May / June 2021.	To have comprehensive data collection system in place to address regulatory requirements.	On target.
Development of data collection procedures.	Service Manager (Housing, Homelessness and Schoolcare Accommodation).	Ongoing.	To manage personal data in line with data protection law.	Dealt with in line with Council policy.

Action 2: Equality Policy and Procedural Documentation

Effective mainstreaming of equality policy objectives cannot be achieved by means of a policy document itself but requires a range of specific equality procedures.

This action is, therefore, prominent as it contains specialist equality procedures.

Note: The equality data collection procedure is also a specialist procedure, but is included in its appropriate section (Action 1).

Activity.	Responsible Person(s).	Timescale.	Outcome.	Comments.
Equality policy.	Head of Community Learning, Leisure and Housing.	June 2021.	To have an updated policy in place to reflect changes in equalities across the sector.	
Equality Action plan.	Head of Community Learning, Leisure and Housing.	June 2021.	To enable effective equality mainstreaming.	
Appropriate language guide.	Head of Community Learning, Leisure and Housing.	September 2021.	To develop critical awareness of the role of language in promoting equality objectives and supporting equality impact assessments.	
Harassment Policy and Procedure.	Service Manager (Housing, Homelessness and Schoolcare Accommodation).	September 2021.	To include a specialist section within the antisocial behaviour policy.	

Action 3: Equality Impact Assessments (EIA)

We use our equality impact assessment procedure to promote compliance with law, in particular meeting the public sector equality duty, as well as the Specific Duties.

We evaluate all our internal documentation to promote our equality objectives. Internal documentation refers to our organisational plans, policies and procedures.

We do this using our comprehensive Orkney Islands Council equality impact assessment procedure and this is mainstreamed through our committee processes.

Action 4: Performance Management

This action includes managing our performance to assess how effectively we are implementing our equality objectives. Action 4 must ensure that we meet any statutory and / or regulatory monitoring requirements in respect of equality issues (see below).

This Action is, therefore, closely linked to Action 1 that focusses on equality data collection.

Action 4 focusses on establishing measures that enable us to “test” how well we are meeting organisational equality objectives. This can include both quantitative and qualitative measures of performance management.

Equality performance management is based on corporate Council systems. However, in Housing Services, we include local equality performance indicators within our functional services, as appropriate.

For example, in allocations we would monitor numbers of houses let to people with different protected characteristics.

Again, from a qualitative perspective, we monitor the quality of allocation information through tenant consultation and participation processes, as well as complaint handling procedures.

Activity.	Responsible Person(s).	Timescale.	Outcome.	Comments.
Meeting statutory and regulatory requirements.	Head of Community Learning, Leisure and Housing.	Ongoing.	Achieving compliance.	On target.
Development of local performance indicators within functional policies.	Service Manager (Housing, Homelessness and Schoolcare Accommodation).	Ongoing.	To incorporate specific equality performance indicators within each policy as appropriate, thus promoting equality mainstreaming.	On target.

Action 5: Training

Training is vital if equality policy commitments are to be implemented effectively. Indeed, it can be stated in all reasonableness that mainstreaming of equality objectives cannot be achieved without comprehensive training programmes.

As such, we make equality training mandatory for all housing staff. We may also provide specific training for tenants as part of tenant participation for example, in activities such as equality monitoring.

We recognise, too, that there is no such thing as “equality training” as there are only different forms of equality training that cover a diverse range of topics.

As described in our equality policy, we link training activities to comprehensive staff training need assessments which are linked to job roles.

Note: This section deals only with specific equality training. As part of our mainstreaming of equality commitments, we also include equality themes within other training courses.

Activity.	Responsible Person(s).	Timescale.	Outcome.	Comments.
Equality Policy and action plan.	Head of Community Learning, Leisure and Housing.	October 2021.	To implement new documentation.	To ensure staff and tenant consultation.
Equality Procedures.	Service Manager (Housing, Homelessness and Schoolcare Accommodation).	As above.	To implement new procedures.	As above.

Note: These procedures are to be developed in line with Action 2. These procedures comprise our:

- appropriate language guide;
- equality data collection;
- equality impact assessment; and
- harassment procedures.

Action 6: Partnership Working

This section of the plan describes the agencies and organisations we work in partnership with to:

- eliminate unlawful and unfair forms of discrimination; and
- promote equality matters into practice.

Our partner bodies are described in alphabetical order and split into national and local levels.

Note: As this Action is solely descriptive, this Action is formatted differently. This applies to Actions 8 and 9 too.

Partner organisations we work with at local level in Orkney

Service.	Contact Details.
Housing Services.	Council Offices, Kirkwall. Telephone: 01856873535. Fax: 01856886530. Email: housing@orkney.gov.uk
Age Scotland.	6 Bridge Street, Kirkwall. Telephone: 01856872438. Fax: 01856875455.
Citizen's Advice Bureau.	Anchor Buildings, Bridge Street, Kirkwall. Telephone: 01856875266.
Orkney Disability Forum.	1 Mackay's Buildings, Junction Road, Kirkwall. Telephone: 01856870340. Email: odf@orkney.com
Relationships Scotland.	Orkney Counselling and Support Centre, 1st Floor, Travel Centre, West Castle Street, Kirkwall, KW15 1GU.

	<p>Telephone: 01856877750. Email: enquiries@rsorkney.org.uk</p>
The Talking Newspaper.	<p>Orkney Library, Junction Road, Kirkwall. Telephone: 01856873843.</p>
Women's Aid Orkney.	<p>Junction Road, Kirkwall, Orkney, KW15 1HR. Telephone: 01856877900. Email: womensaidorkney@btconnect.com</p>
Equalities and Human Rights Commission.	<p>The Optima Building, 58 Robertson Street, Glasgow, G2 8DU. Telephone: 08088000082. Email: scotland@equalityhumanrights.com Website: www.equalityhumanrights.com/scotland</p>
The Mental Welfare Commission for Scotland.	<p>Thistle House, 91 Haymarket Terrace, Edinburgh, EH2 5HE. Helpline: 08003896809. Email: enquiries@mwscot.org.uk Website: www.mwscot.org.uk</p>

Action 7: Positive Action Programmes

Positive action measures are encouraged in law and good practice and are used to address previous historic patterns of disadvantage experienced by certain groups. Such formal programmes draw on appropriate statistical demographic data in order to comply with law.

We also develop less formal positive action programmes that serve to promote social justice and equality policy commitments.

This section describes the programmes that we are implementing during 2021/22. This includes formal and informal positive action programmes.

Note: When evaluating and analysing equality data through our equality data collection procedure, we may also identify equality patterns that might require to be addressed through positive action programmes. This point illustrates, again, how the actions within this plan are inter-dependent.

Our positive action initiatives: 2021 to 2022

Developing a new equality strategy and range of equality procedures to ensure a robust theoretical foundation for effective implementation of equality rights.

Action 8: Consultation, including tenant participation

We consult with our tenants and other customers regarding our equality policy and our equality objectives.

During 2021, we will consult with tenants and other customers regarding the following documentation:

- our equality policy objectives; and
- our data collection procedure.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Equality and Diversity Policy
Service / service area responsible.	Housing Services
Name of person carrying out the assessment and contact details.	Frances Troup, Head of Community Learning, Leisure and Housing Ext 2177 E-mail frances.troup@orkney.gov.uk
Date of assessment.	13 May 2021
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Substantial review for 2021
2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To ensure clients can expect equality of opportunity in relation to our service delivery and that this ethos is mainstreamed through our services.
Is the function / policy / plan strategically important?	Yes. The Council has significant requirements in relation to equalities legislation and specifically in regard to mainstreaming equalities throughout housing service delivery.
State who is, or may be affected by this function / policy / plan, and how.	Our service users whether tenants, homeless applicants etc
How have stakeholders been involved in the development of	Tenants have been involved in matters relating to equalities monitoring including the Residents' Panel being involved in the Annual Assurance

<p>this function / policy / plan?</p>	<p>Statement and the requirements relating to equalities legislation relating to that.</p> <p>Tenants and other service users are involved in areas specifically relating to service delivery which include threads of equalities and accessibility throughout.</p> <p>While many of the principles within the Equality and Diversity Policy relate to legislative and good practice requirements and therefore stakeholder involvement is about provision of information, tenants will be involved in the equality policy objectives and more specifically in relation to the development of procedures in order to deliver the Equalities and Diversity policy.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>There is significant research in this policy area. Research areas are suitably diverse. The list below represents some examples.</p> <p>The Equality and Human Rights Commission has produced guidance for social housing providers entitled "Human Rights at Home". This looks at the links between quality of housing and wellbeing. It also considers that inadequate housing and its links to poor health, lower educational attainment, unemployment and poverty.</p> <p>The Scottish Social Housing Charter has an outcome on equalities which states 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".</p> <p>The National Standards for Community Engagement includes a section on inclusion which seeks to ensure that measures are taken to involve groups with protected characteristics and people who are excluded from participating due to disadvantage due to social or economic factors.</p> <p>The UK Collaborative Centre for Housing Evidence undertook research in the area of housing wealth inequalities in Scotland. This looked at economic policy, the distribution of wealth and the impact on living standards.</p>

<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>In addition to that outlined above, there is significant research indicating that homeless households suffer socio-economic disadvantage and this is intensified if they are rough sleepers. The provision of housing or lack of it is recognised as being intrinsically linked to a range of indicators related to health, wealth and educational achievement.</p> <p>The Joseph Rowntree Foundation has produced a range of research focussing on poverty and disadvantage and the links between this and housing and homelessness. Research such as this relates directly to the introduction of the Fairer Scotland Duty.</p> <p>The National Standards for Community Engagement includes a section on inclusion which seeks to ensure that measures are taken to involve people who are excluded from participating due to disadvantage due to social or economic factors.</p>
<p>Could the function / policy have a differential impact on any of the following equality strands?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> <p>Housing Services Equality and Diversity policy intends to have a positive impact on each of the protected characteristics. That is that the policy seeks to promote an inclusive approach throughout all housing services supported by an action plan that promotes effective equality rights implementation. It is anticipated (or intended) that this policy will have a positive impact in addressing any inequalities for each protected characteristic</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No specific impact identified.</p>
<p>2. Sex: a man or a woman.</p>	<p>No specific impact identified.</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No specific impact identified.</p>
<p>4. Gender Reassignment: the process of transitioning from</p>	<p>No specific impact identified.</p>

one gender to another.	
5. Pregnancy and maternity.	No specific impact identified.
6. Age: people of different ages.	No specific impact identified.
7. Religion or beliefs or none (atheists).	No specific impacts identified.
8. Caring responsibilities.	No specific impact identified.
9. Care experienced.	No specific impact identified.
10. Marriage and Civil Partnerships.	No specific impacts identified.
11. Disability: people with disabilities (whether registered or not).	No specific impact identified.
12. Socio-economic disadvantage.	No specific impact identified.
13. Isles-proofing.	No specific impact identified.

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No
How could you minimise or remove any potential negative impacts?	N/A
Do you have enough information to make a judgement? If no, what information do you require?	Yes

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	N/A
Who will undertake it?	N/A
When will it be done?	N/A
How will it be monitored? (e.g. through service plans).	N/A

Signature: 

Date 13 May 2021

Name: Frances Troup

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk