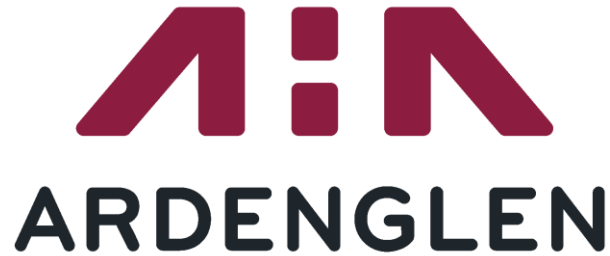


Ardenglen Housing Association can provide this policy on request, in larger print, in Braille, in audio format or in other non-written format, and in a variety of languages, as appropriate.



Equality, Diversity and Human Rights Policy

Policy Title:	Equality, Diversity and Human Rights Policy
Policy Author:	Carole Ewart, Ewart Communication's limited
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Scottish Social Housing Charter Standard	1, 2, 4, 5 and 6
Scottish Housing Regulator Standard:	1, 2 and 6



Vision

By providing aspirational homes and high-quality services we will transform communities to enhance the quality of life of our customers.

Values

- ***Customer and Community Focused***
- ***Treating our customers with respect***
- ***Accountable***
- ***Making a difference***
- ***Innovative***
- ***Equal access to services and opportunities for all***

Strategic Objectives

- ***Deliver first class customer services***
- ***Provide quality homes, communities and sustainable tenancies***
- ***Achieve robust financial management and governance excellence***
- ***Empower, develop and engage our staff***
- ***Build strong collaborative relationships locally and nationally***

Equality, Diversity and Human Rights Policy

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Appendices

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This policy draws on Equalities and Human Rights law, policy and regulation. Its implementation may draw on other guidance and codes of practice. It is not a substitute for legal advice.

Equality, Diversity and Human Rights Policy

The Director of Customer Services is responsible for the policy's day to day implementation and to ensure accountability in delivering these commitments.

1. Introduction

- (1) Ardenglen is a community based Housing Association operating in the East of Castlemilk, which is in South West Glasgow. At the time of writing, we own and manage 982 properties offering high quality accommodation. Of these, 583 are rehabilitated tenemental stock, while the remaining are new build houses, cottage flats and tenements.
- (2) Ardenglen has a wide range of customers which include the following
 - Tenants
 - Sharing Owners
 - Factored Owners
 - Housing Applicants
- (3) The Equality, Diversity and Human Rights policy of Ardenglen Housing Association (Ardenglen) is central to the performance of its independently regulated housing activities and good governance.
- (4) The policy's implementation enables the Board to have assurance and evidence that it considers equality and human rights issues properly when designing and reviewing its policies which guide its day-to-day service delivery.
- (5) This policy links to Ardenglen's policies on Data Protection, Tenant Engagement Strategy, Tenant Management, Domestic Abuse and the Hate Crime, Neighbour Disputes & Anti-Social Behaviour Policy.

2. Purpose

- (1) This policy enables the Board to effectively monitor day-to-day service delivery and be pro-active in fulfilling its regulatory duties to give due regard to equality and human rights in decision-making on housing, homelessness services and tenant and resident safety.
- (2) This policy enables the Board to fulfil its equalities and human rights duties as an employer.
- (3) This policy enables staff to fulfill their responsibilities of promoting and respecting equality, diversity and human rights across all aspects of Ardenglen's work.

3. Our Commitment

- (1) Ardenglen is committed to meeting its equality duties and performing its functions in a way which encourages equal opportunities and respect for human rights.

- (2) Ardenglen will comply with equality and human rights legislation, we will work to understand the individual needs of our customers and deliver services that recognise and meet these needs.
- (3) Ardenglen is committed to promoting a rights respecting culture within our organisation through the human rights principles of fairness, respect, equality, dignity and autonomy (self-rule). Ardenglen promotes equality and human rights via our recruitment and staffing policies. Ardenglen recognises that workplace policies that prevent discrimination and protect and promote people's rights to an inclusive and safe working environment can enable it to retain and attract the best staff and improve our productivity and performance.¹
- (4) Ardenglen mainstreams equalities and works in a way which meets its statutory legal obligations and the Regulatory Standards of Governance and Financial Management for RSLs. Our processes will enable us to demonstrate that we can meet these Regulatory Standards.
- (5) Ardenglen staff are knowledgeable about equality and human rights issues, and how they impact on its work, underpinned by a commitment to monitor legal and policy developments.

4. Regulatory Framework

- (1) **Regulatory Standard 1** requires the Ardenglen Board to lead and direct the RSL to achieve good outcomes for its tenants and other service users.
- (2) **Regulatory Standard 2** requires Ardenglen to be open and accountable for what it does, understands and takes account of the needs and priorities of its customers and stakeholders and its primary focus is the sustainable achievement of these priorities.
- (3) **Regulatory Standard 4** requires the Ardenglen Board to base its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
- (4) **Regulatory Standard 5** requires the Ardenglen Board to conduct its affairs with honesty and integrity.
- (5) **Regulatory Standard 6** requires Ardenglen's Board and senior officers to have the skills and knowledge they need to be effective.
- (6) The Scottish Social Housing Charter helps to improve the quality and value of services provided by Ardenglen, to achieve outcomes that matter to our customers and supports the Scottish Government's National Outcomes on communities, environment and human rights. The Charter does not replace

¹ EHRC website at <https://www.equalityhumanrights.com/en/advice-and-guidance/guidance-small-businesses-and-human-rights>

any of the legal duties that apply to social landlords, but in several cases the outcomes and standards describe the results social landlords should achieve in meeting their legal duties.²

- (7) This Policy supports the Charter outcomes that people:
- live in communities that are inclusive, empowered, resilient and safe.
 - value, enjoy, protect and enhance their environment.
 - respect, protect and fulfil human rights and live free from discrimination.
- (8) **Charter Outcome one** requires that “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”. It also says that landlords have a responsibility “...for finding ways of understanding the needs of different customers and delivering services that recognise and meet these needs”.
- (9) **Charter Outcome two** is a duty on Ardenglen to manage its” businesses so that: tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.”
- (10) **Charter Outcome six** is a duty on Ardenglen to work in partnership with other agencies to “help to ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.”
- (11) **Charter Outcome 11** – Tenancy sustainment “Social landlords ensure that: Tenants get the information they need on how to obtain support to remain in their home; and ensure that suitable support is available, including services provided directly by the landlord and by other organisations”.
- (12) **Charter Outcome 13** – Value for money “Social landlords manage all aspects of their business so that: Tenants owners and other customers receive services that provide continually improving value for the rent and other charges they pay”
- (13) The SHR requires Ardenglen to confirm through its Annual Assurance Statement that it is meeting regulatory requirements and/or what it is doing to improve compliance including giving due regard to equality and human rights in decision-making. To comply with these duties, Ardenglen must collect data relating to each of the protected characteristics for existing tenants, new tenants, people on waiting lists, governing body members and staff. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these service users.

² Paras 2.1 and 1.4 at <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/11/scottish-social-housing-charter-november-2022/documents/scottish-social-housing-charter/scottish-social-housing-charter/govscot%3Adocument/scottish-social-housing-charter.pdf>

5. Legal and Policy Framework

- (1) Ardenglen's work is based on law, policy and regulations including:
 - Human Rights Act 1998
 - Freedom of Information (Scotland) Act 2002
 - Environmental Information (Scotland) Regulations 2004
 - Gaelic Language (Scotland) Act 2005
 - Scottish Commission for Human Rights Act 2006
 - The Housing (Scotland) Act 2010
 - Equality Act 2010
 - The Housing (Scotland) Act 2014
 - British Sign Language (Scotland) Act 2015
 - Social Security (Scotland) Act 2018
 - Data Protection Act 2018
 - UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024
 - Public Sector Equality Duty
 - National Performance Framework
- (2) Ardenglen is aware of the UK Government's National Action Plan on Business and Human Rights based on the UN's 31 Guiding Principles on Business and Human Rights. It is a voluntary scheme and its impact along with the Sustainable Developments Goals are relevant to this policy.
- (3) Ardenglen is aware of changes/developments on law and policy at the time of writing that may impact on the delivery of this policy.

6. Definitions

(1) Human Rights

- (a) Human rights should be equally enjoyed and Ardenglen has a responsibility to progressively realise them to the maximum extent of its available resources.
- (b) Human rights cover economic, social, cultural, civil, political and environmental rights. The Human Rights Act 1998 incorporates most rights in the European Convention on Human Rights (ECHR) which includes: Article 6 is the right to a fair determination of civil rights; Article 8 is the right to respect for private life, family life, home and correspondence; Article 10 is the right to form an opinion by receiving and imparting information and ideas; Article 14 is a prohibition on discrimination - a difference in treatment can only be justified if there is a legitimate and proportionate reason. For a fuller list see Appendix 1.
- (c) Ardenglen cannot act in a way which is incompatible with the rights listed in the Human Rights Act 1998.

(2) Equality

- (a) Ardenglen is covered by the The Equality Act 2010 which requires organisations to consider how they can positively contribute to a more equal society through advancing equality and good relations in their day-to-day business, and to:
 - take effective action on equality.
 - make the right decisions, first time around.

- develop better policies and practices, based on evidence.
- be more transparent, accessible and accountable.
- deliver improved outcomes for all.

(b) **Public sector equality duty** In exercising its functions, Ardenglen must have due regard to the need to:

- **eliminate** unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
- **advance** equality of opportunity between people who share a relevant characteristic and those who do not; and
- **foster** good relations between people who share a protected characteristic and those who do not.

(c) **Protected characteristics** are: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

(3) Intersectionality of Rights

People may have several identities, cultures and characteristics which amplifies the discrimination they face and its impact on their human rights.

(4) Diversity

- (a) Diversity is about respecting and reflecting different cultures in Scotland, respecting and enabling different voices to be heard.
- (b) Diversity is about respecting and reflecting different identities: lesbian, gay, bisexual, transgender and intersex (LGBTI).

7. Assurance and Evidence

(1) Decision Making Criteria

Decisions made by staff and Board require to be lawful, reasonable and proportionate in all the circumstances. Therefore, Ardenglen will be transparent and accountable for the process and the decision on policy, service, practice and delivery.

(2) Decision Making Principles

The process to follow in arriving at the decision shall follow a Human Rights Based Approach which is made up of the PANEL principles: **P**articipation, **A**ccountability, **N**on-Discrimination, **E**mpowerment and **L**egality.

(3) Inclusive Communication

Ardenglen will embed inclusive communication proportionately across its work.

(4) Due Regard

- (a) To 'have due regard' means that, in making any strategic decision, **active consideration** of equalities, diversity and human rights is undertaken. It requires **participation** such as by those directly affected by the decision under consideration. **Proportionality** is key as how much regard is due will depend on the relevance of the decision to the scale of disadvantage

and inequalities of outcome in relation to each strategic issue. The process helps judge if your proposed actions are reasonable.

- (b) The requirement to have due regard to the need **to eliminate discrimination** applies to all the 'protected characteristics': age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- (c) The duty to have due regard, to the need **to advance equality of opportunity** applies to all of the protected characteristics apart from marriage or civil partnership, and those who do not. The duty to foster good relations applies to those who share a protected characteristic and those who do not.

(5) Foster Good Community Relations

The duty on Ardglen to foster good community relations enables a whole community approach and allows a balance between the right of the individual and the interests of the community.

(6) Values Into Practice

Ardenglen's values and principles underpin delivery of this policy and in how we approach our customers: fairness, respect, equality, dignity and autonomy. Therefore, this policy guides staff to allow individual circumstances to be taken into account in decision-making and avoid application of blanket policies.

(7) Decision Making Audit Trail

Assurance and evidence in decision-making requires clear record-keeping and an 'audit trail' of what was considered, when and by whom. The decision-making process should follow a consistent framework to enable comparison. The process should follow key steps and questions which are designed to prompt answers. Collectively, they provide evidence and assurance that all matters have been considered in each case.

(8) Tools

There are tools which you can use to make decisions which provide evidence and assurance, and which may be particularly useful in complex cases:

- Equality Impact Assessment
- Equality and Human Rights Impact Assessment
- Children's Rights and Wellbeing Impact Assessment

8. Managing Your Data

- (1) The collection of equality data is important in encouraging equal opportunities and delivering quality services to customers. Ardglen operates in compliance with the legal obligations under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) on processing and managing customer data.
- (2) Equality data collection is not a standalone activity. It is part of Ardglen's ongoing commitment to equality, diversity and human rights.
- (3) Collecting data on a completely anonymised basis is a legitimate approach

and Ardenglen may decide for operational reasons when it is appropriate to collect data on individual customers for statistical, research and regulatory purposes. Resources will be used to guide this process – See Appendix 2.

9. Complaints Procedure

(1) Any customer may submit a complaint, using the Ardenglen complaints procedure, if they believe we have failed to correctly apply this Policy.

(2) The SHR publishes a range of information to allow tenants, and other service users to understand each landlord's performance and compare landlords' performance. This includes to support meaningful discussions between landlords and their tenants about performance, rent levels, service levels, and future plans.³

10. Managing Risk

(1) Ardenglen's Board will consider the risk management factors involved in delivering this policy including:

- Non-compliance with the Scottish Government's Social Housing Charter outcomes.
- Non-compliance with the Scottish Housing Regulator's Regulatory Framework, the Regulatory Standards of Governance and Financial Management and with legal duties.
- Failure to consult customers effectively.
- Failure to gather sufficient information to enable informed decision making.
- Data protection breach

(2) To mitigate risk, staff will provide annual monitoring reports to the Board on the delivery of this policy as well as legal and policy developments. This approach provides assurance that this policy is being delivered appropriately and informs Ardenglen's work.

11. Application and Training

(1) All agents of Ardenglen, employees and Board Members are required to abide by this policy. Ardenglen will provide training for staff and board members as required.

(2) Staff in relevant services will be trained to identify and respond appropriately to matters which engage equality and human rights. The training will be refreshed at regular intervals.

(3) This policy will be promoted to customers of Ardenglen.

12. Review

(1) The policy is drafted at a time of legislative and policy uncertainty and so includes a requirement for review in early 2025.

³ 4.3 Regulatory Framework pub by SHR [Regulatory Framework | Scottish Housing Regulator](#)

- (2) The SHR is currently consulting on proposals to review the Regulatory Framework and statutory guidance. This policy may be amended as a result of this process, although it is noted in Section 3 that “We also proposed to continue our focus on equality and human rights in all landlords and governance and financial management...”⁴
- (3) Once reviewed in 2025, reviews will be undertaken every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

13. Distribution

This policy will be provided to every employee and Board member and is freely available on the Ardenglen [website](#).

⁴ <https://www.housingregulator.gov.scot/for-landlords/our-regulation-of-social-housing-in-scotland-a-consultation/our-regulation-of-social-housing-in-scotland-a-consultation-october-2023/>

Appendix 1 – Human Rights Act 1998

The HRA gives effect to the European Convention on Human Rights (ECHR) but not all the rights are listed – those in red are not but should still be considered.

ARTICLE 1 Obligation to respect Human Rights

ARTICLE 2 Right to life

ARTICLE 3 Prohibition of torture, inhuman or degrading treatment or punishment.

ARTICLE 4 Prohibition of slavery and forced labour

ARTICLE 5 Right to liberty and security

ARTICLE 6 Right to a fair trial

ARTICLE 7 No punishment without law i.e. law needs to exist before you can break it!

ARTICLE 8 Right to respect for private and family life, home and correspondence – “home” is a right to respect a home that a person already has.

ARTICLE 9 Right to freedom of thought, conscience and religion

ARTICLE 10 Right to freedom of expression, to receive & impart information & ideas

ARTICLE 11 Right to freedom of assembly and association

ARTICLE 12 Right to marry

ARTICLE 13 Right to an effective remedy

ARTICLE 14 Prohibition of discrimination – must be partnered with another right!

ARTICLE 17 Prohibition of abuse of ECHR rights

ARTICLE 18 Limitation on use of restrictions on rights

ARTICLE 19 Establishment of the European Court of Human Rights, on a permanent basis, to ensure the observance of ECHR rights and duties.

PROTOCOL 1 Article 1 Protection of property, Article 2 Right to education and

Article 3 Right to free elections.

Human Rights are divided into those which provide for:

Absolute rights: These cannot be breached or restricted under any circumstances.

Limited rights: These can be limited in the particular circumstances set out in each Article.

Qualified rights: These can be limited to the extent necessary to achieve certain objectives.

UN Treaties

The UK has ratified a number of international human rights treaties and the following are subject to periodic review by a designated UN Committee:

- **ICESCR** – International Covenant on Economic, Social and Cultural Rights which includes the right to housing.
- **ICCPR** – International Covenant on Civil and Political Rights which includes the right to form an opinion by receiving and sharing ideas and information.
- **CAT** – Convention Against Torture which includes an absolute prohibition on inhuman and degrading treatment.
- **CEDAW** – Convention on the Elimination of All Forms of Discrimination Against Women which includes the right of women, on equal terms as men, to participate in non-governmental organizations and associations concerned with the public and political life of the country.
- **CERD** – Convention on Elimination of All Forms of Racial Discrimination which requires Governments to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ...the right to housing.
- **UNCRC** – Convention on the Rights of the Child which places a duty on the Government, in accordance with national conditions and within their means, to help those in need which includes taking appropriate measures to assist parents and others responsible for the child to provide material assistance and support with nutrition, clothing and housing.
- **CRPD** – Convention on the Rights of People with Disabilities which includes the right to live independently and be part of the community.

Council of Europe

The UK has ratified a number of Council of Europe treaties which are subject to periodic review by a designated Committee such as the Framework Convention for the Protection of National Minorities (FCPNM). In particular, gypsy travellers are covered by its provisions <https://www.coe.int/en/web/conventions/cets-number/-/abridged-title-known?module=treaty-detail&treaty-num=157>

Appendix 2 - Resources

Human Right At Home – Guidance for Social Landlords

https://www.equalityhumanrights.com/sites/default/files/human_rights_at_home.pdf

Inclusive Communication Hub

<https://inclusivecommunication.scot/>

Housing (Scotland) Act 2010 - Model Secure Tenancy revised 2022 section 3 "Respect for Others"

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2002/09/model-revised-scottish-secure-tenancy-agreement/documents/0030450-pdf/0030450-pdf/govscot%3Adocument/0030450.pdf>

Is Scotland Fairer?

Published by EHRC Scotland and is the most comprehensive review of equality and human rights in Scotland. The last report was published in 2018.

<https://www.equalityhumanrights.com/sites/default/files/2023/Is%20Scotland%20Fairer-%20Equality%20and%20Human%20Rights%20Monitor-%20accessible%20PDF.pdf>

Data and Statistics

Collecting Equality Information: National Guidance for Scottish Social Landlords

- Collecting equality information: National guidance for Scottish social landlords
- Tools - model equality monitoring form
- Relevance e.g. on the benefits of equality data collection to social landlords.

‘It shows how equality data collection lies at the heart of quality services. The benefits: promoting positive customer care strategies; enhancing tenant participation opportunities; and meeting specific business objectives.

[New guide released to support social landlords with equality data collection - The Scottish Federation of Housing Associations Limited \(sfha.co.uk\)](#)

Kinship, Family, and Support Networks in Scotland’s LGBTI+ Community

A report from the Scottish Equality Network which explores kinship & support networks in the LGBTI+ community. Our diverse chosen families & support networks are a lifeline. They need to be recognised properly.

<https://www.equality-network.org/resources/kinship-family-and-support-networks-in-scotlands-lgbti-community/>

Business and Human Rights

The UK was the first country to produce a National Action Plan to implement the [United Nations Guiding Principles of Business and Human Rights \(UNGPs\)](#). The UNGPs are a voluntary international framework, which promotes:

- the duty of the State to protect human rights
- the responsibility of businesses to respect human rights
- access to remedy for victims of abuses

Information on the UK Government’s national Action Plan is available at

<https://www.gov.uk/government/publications/implementing-the-un-guiding-principles->

[on-business-and-human-rights-may-2020-update](#) The Scottish Government has given a commitment to implement a version for Scotland.