



Local Housing Strategy

Equal opportunities - position statement

April 2003

1. Introduction

What is meant by 'equal opportunities'?

- 1.1. The term 'equal opportunities' is defined within the Scotland Act 1998 as ...“the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on 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. Context

Stirling Council and equal opportunities

- 2.1. Equality of opportunity is one of the key components critical to achieving social inclusion. One of Stirling Council's key aims is to promote social inclusion. This means:
 - 2.1.1. recognising that everyone has a right to basic services such as housing;
 - 2.1.2. encouraging everyone to participate fully in society; and
 - 2.1.3. recognising that we have rights and responsibilities to treat each other and the areas we live in with respect and concern.

Housing Services context

- 2.2. Housing Services is committed to pursuing a strategy of implementing and monitoring good practice in relation to equal opportunities. We will strive to ensure equality of opportunity and treatment for all people.
- 2.3. We aim to ensure the following:
 - 2.3.1. that we provide equal opportunities in employment, allocations and service provision;
 - 2.3.2. that as an employer we will seek to ensure that all individuals are treated fairly and equally – all decisions on recruitment and selection will be based upon agreed job criteria;
 - 2.3.3. that allocations are made principally upon the basis of housing need, and that minority groups are not disadvantaged in term of access to our housing service; and
 - 2.3.4. that no one receives less favourable treatment or is disadvantaged by conditions or requirements that cannot be shown as justifiable.

3. Action points

General action points

- 3.1. To help fulfill our commitment to equal opportunities, Housing Services will collect data, monitor and review the ethnic origin of all of those:
 - 3.1.1. seeking accommodation through the housing list;
 - 3.1.2. being housed from the housing list;
 - 3.1.3. seeking accommodation as a homeless priority;
 - 3.1.4. being housed as a homeless priority;
 - 3.1.5. applying for assistance in terms of a repair or improvement grant, care & repair grant, or energy efficiency grant;
 - 3.1.6. receiving assistance in terms of a repair or improvement grant, care & repair grant, or energy efficiency grant; and
 - 3.1.7. persons seeking employment within Housing Services.
- 3.2. No person or group of persons will be treated less favourably than any other person or group of persons because of their race, ethnic or national origin or because of their religion, age, sex, sexuality, disability, appearance, marital status or because of suffering from HIV.
- 3.3. In order to improve our approach to equal opportunities we will monitor, review and benchmark all housing policies and procedures against:
 - Chartered Institute of Housing 'Best Practice' guidance;
 - Communities Scotland 'Performance Standards'; and
 - Scottish Federation of Housing Associations 'Raising Standards in Housing' guidance.
- 3.4. We will also analyse all complaints and information requests to identify how we can more effectively address and promote equal opportunities. In addition we will research potential barriers to equal opportunities and adjust our practices as appropriate.
- 3.5. We will conduct an annual review in relation to equal opportunities and will develop an action plan in order to pursue continuous improvement.

Specific action points

3.6. We will develop our approach to equal opportunities in a number of ways that will include the following.

3.6.1. Training

- all staff will have appropriate equal opportunities training – this will include specific awareness raising in terms of the Race Relations (Amendment) Act 2000
- training needs will be reviewed regularly to identify any specific issues
- opportunities will be explored for joined training initiatives with partner organisations e.g. RSLs)

3.6.2. Consultation

- when undertaking consultation we will be sensitive to particular needs of our service users and will work with specialist agencies and communities as required

3.6.3. Access

- we will work with partner organisations and seek to ensure equality of access to our housing list and the range of other housing services that we provide by using a variety of appropriate media.

3.6.4. Management services

- where management services are provided by another organisation we will seek to ensure that these comply fully with our expectations by seeking details of their equal opportunities policy / procedures

3.6.5. Design standards

- we will seek to ensure that all new build developments conform to barrier free standards where this is technically possible.

3.6.6. Maintenance and repairs

- we will seek to ensure that all tenants are treated equally but will be sensitive to those tenants with particular needs

3.6.7. Rent arrears

- we will deal with arrears in a fair and sensitive manner by providing appropriate advice and information

3.6.8. Allocations and nominations

- we will ensure that our allocations policy is clear and non-discriminatory, providing equal access to the housing list for all
- we will work closely with partner RSLs to ensure compliance with equal opportunities in terms of nomination arrangements

3.6.9. Harassment

- we will deal with harassment sensitively, speedily and firmly – this will include recording all incidents of harassment and pursuing management intervention and legal action as appropriate
- we will work closely with others in these situations to ensure effective inter-agency co-operation

3.6.10.Contract compliance

- we will ensure that all consultants, contractors or agents take steps to comply with the relevant health and safety, employment and equal opportunities legislation – this will include specific awareness of issues relating to the Race Relations (Amendment) Act 2000

3.6.11.Confidentiality

- we will ensure that the confidentiality of information such as personal details, tenancy history, etc. is respected and maintained.

3.7. This is not an exhaustive list.

4. Definitions of discrimination

Direct discrimination

- 4.1. 'Direct discrimination' is treating one person less favourably than another, solely because of a person's race, colour, gender, ethnic or national origin, political orientation, religion, disability or age.

Indirect discrimination

- 4.2. 'Indirect discrimination' is where a condition or requirement which cannot be justified is applied equally to all groups but members of one particular group are less likely to be able to comply with it, and suffer detriment.

Harassment

- 4.3. 'Harassment' includes any actions, behaviour and /or conduct related to a person's race, colour, gender, ethnic or national origin, political orientation, religion, disability or age which the recipient reasonably finds objectionable. It is not behaviour of a mutually acceptable nature, but behaviour that is unsolicited, unwelcome, and fails to respect the feelings of the recipient.

Victimisation

- 4.4. 'Victimisation' is where a person is treated less favourably because he or she has threatened to take action under the Discrimination legislation or he or she has given evidence or information in respect of such action.

5. Legislative framework

Housing legislation

- 5.1. The Housing (Scotland) Act 2001 places a number of important duties on local authorities and RSLs.
- 5.2. Section 106 of the 2001 Act specifically places an over arching duty on Scottish Ministers, local authorities and RSLs to encourage equal opportunities and to comply with existing equal opportunities requirements. This covers all activities covered by the 2001 Act (this part of the legislation came into force on 1 November 2001).
- 5.3. Services affected include, for example, tenant participation and consultation, allocations and private sector repair and improvement grants, as well as specific obligations relating to homelessness and housing strategies.
- 5.4. In addition to the general provisions of the 2001 Act, the following specific references are made which will directly affect areas of Housing Service's policy, procedure and practice:

Section 1	Homelessness strategies <ul style="list-style-type: none"> • requirement to focus on preventing and alleviating homelessness; • specific statement needed about meeting and encouraging equal opportunities.
Section 16	Grounds for recovery of possession <ul style="list-style-type: none"> • action can be taken where there is anti-social behaviour or conduct amounting to harassment.
Section 22	Tenants rights – Scottish Secure Tenancy <ul style="list-style-type: none"> • definition of qualified persons has been extended to include same sex couples who are entitled to full succession rights; • general guidance that all tenants must be treated equally and information should be made available in response to an individual's needs.
Section 89	Local Housing Strategies <ul style="list-style-type: none"> • specific statement needed about meeting and encouraging equal opportunities; • guidance suggests specific references required to the needs of black and ethnic minority households, homeless people, households with care and support needs, households affected by domestic abuse, travelling families, children and young people, disabled people and the elderly.
Section 108	Meaning of 'family' and 'spouse' <ul style="list-style-type: none"> • references to family, spouse and cohabitation to include same sex couples.

General legislation

- 5.5. In addition to the Housing (Scotland) Act 2001, Scotland Act 1998 and the Human Rights Act, there is a raft of existing legislation that places various duties and obligations on local authorities and Registered Social Landlords (RSLs). This legislation includes:
 - 5.5.1. Equal Pay Act 1970;
 - 5.5.2. Sex Discrimination Act 1975;
 - 5.5.3. Race Relations Act 1976;
 - 5.5.4. Disability Discrimination Act 1995; and
 - 5.5.5. Race Relations (Amendment) Act 2000.
- 5.6. All public bodies such as local authorities are expected to ensure that those that they contract with – such as RSLs – also comply with the legislation.