



EQUALITY, DIVERSITY AND INCLUSION POLICY

1. SUMMARY STATEMENT

MHA ensures that it is compliant with the requirements of the Equality Act 2010 and will ensure this policy is applied fairly to all our customers. The term customer used in this context refers to staff, tenants, residents, housing applicants, potential tenants and residents and others who have transactions with MHA.

MHA values diversity and is committed to ensuring and promoting equality of opportunity in housing and employment and in the provision of its services. We consider the needs of individuals when developing policy and work with our partners to promote a culture of acceptance and respect within our community.

MHA is opposed to discrimination, either directly or indirectly, at any level. We actively promote equality and challenge unfair treatment and all forms of discrimination (direct, associative, perceptive and indirect), harassment and victimisation related to any of the nine protected characteristics in the Equality Act 2010; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (includes ethnic or national origins, colour or nationality), religion or belief (includes non-belief), sex (man or woman), sexual orientation (includes lesbian, gay, bisexual or heterosexual).

Provision is made to ensure there are no barriers to inclusion and applications for housing and employment are welcomed from all sections of the community. MHA recognises the need to value individuals in their own right, treating people with dignity and respect and that our services meet the needs and requirements of all our customers and employees. MHA expects its employees (including Board members) and contractors to promote its commitment to equality, diversity & inclusion at all times.

2. DEVELOPMENT

This Equality, Diversity and Inclusion Policy is in line with legal requirements and complies with the Equality Act 2010. This is our Association's Policy for 2018-21 replacing all previous versions.

3. PURPOSE

The Policy sets out our Associations approach on how we advance equality of opportunity for all and challenge unfair treatment and all forms of discrimination, harassment and victimisation in relation to the nine protected characteristics.

4. LEGAL OBLIGATIONS

MHA will ensure we meet our legal obligations under the Equality Act 2010 and will take a proactive role in advancing equality of opportunity for all and fostering good relations between people who share a protected characteristic and people who do not share that protected characteristic. This policy also ensures that we comply with the Economic and Consumer Regulatory Standards.

5. SCOPE

The Policy scope relates to the objectives set out in our Association's Vision and Values.

MHA Vision

Driving for excellence in every facet of our business

MHA - Vision and Values

Customer First

- We exist because of our customers
- We welcome and act on feedback from our customers
- We always look for ways to provide our customers with the best customer experience
- We aim to achieve low cost high performing services throughout

Passionate about our work

- We are highly motivated and passionate about our work
- We believe in continuous improvement
- We bring innovation and creativity to our work

MHA Values

Accountability

- We strive to meet the highest levels of accountability
- We always take responsibility for our actions
- We believe in being honest, open and transparent in all our work
- We will work in partnership to make things happen
- Our customers influence our

Embrace Diversity

- We celebrate the diversity contained within each individual
- We will create an environment in which the talent of customers and colleagues will flourish
- We enjoy the challenge of responding to the diversity of our customers

6. ENSURING WE DELIVER

6.1 Responsibility

The Policy applies to all staff, volunteers, residents, volunteers, customers and visitors and any representative working with or providing a service for the Association i.e. Boards and Committee members, involved and non-involved tenants and residents, partners, suppliers, contractors and consultants. We firmly believe that it is everyone's responsibility to promote equality. We expect all staff, volunteers and representatives regardless of position or seniority to be aware of how their own behaviour may affect others and to take responsibility to actively challenge or report all forms of discrimination, harassment and victimisation in the workplace and in the local community.

How to report unfair treatment:

Any member of staff who feels they have been unfairly treated can use the Grievance Policy to complain.

Any tenant, resident, customer or representative who feels they have been unfairly treated can let any member of staff know verbally or in writing. Alternatively, they can also use our Complaints Procedure.

6.2 Implementation

The Board and Executive Team lead on equality, diversity and inclusion and hold overall responsibility for the implementation of the Policy. The Executive Team embed the Policy across the business by ensuring the services they deliver underpin the principles of equality and fairness and that their staff have the necessary training, support and direction to fulfil the requirements of the Policy.

6.3 Monitoring

The Executive Team are responsible for monitoring the policy.

6.4 Review

The Policy will be reviewed in January 2022. However, the Policy will be deemed to automatically incorporate any amendment to the Equality Act 2010 and the Policy updated to reflect the change as soon as is practically possible.

7. DEFINITIONS

7.1 The nine protected characteristics are:

Age:

Age is defined in the Equality Act with reference to a person's age Association. An age Association can mean people of the same age or people of a range of ages. Age Associations can be wide, narrow or relative. For example, people of the same age i.e. 18 year olds, a range of ages i.e. 18-30 or people over 30, people under 30, people in their 30's.

Disability:

A person is considered as having a disability if they have "a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities." A physical or mental impairment includes sensory impairments such as those affecting sight or hearing. Long-term means the impairment has lasted, or is likely to last, for at least 12 months or the rest of the affected person's life.

Gender re-assignment:

A transsexual person refers to a person who has the protected characteristic of gender reassignment. Gender Reassignment occurs when an individual experiences gender dysphoria, a strong sense that their gender identity does not match their birth gender and begins the process that may lead to permanently living in the gender that matches their gender identity. The Equality Act 2010 broadened 'gender reassignment' protection to an individual who plans to undergo, is undergoing or has undergone a personal process to reassign their sex by changing physiological or other attributes of sex. To have legal protection, there is no requirement to be under medical supervision or to have had any surgery. A person needs to have only started the process to be protected i.e. seeing a GP, psychotherapist or counsellor or started to cross dress. This means a person is protected even if they only occasionally present themselves in the other gender. Gender reassignment is not the same as gender reassignment surgery. The Gender Recognition Act 2004 enables a person who has permanently transitioned i.e. lived fulltime for the preceding two years in their acquired gender to acquire a Gender Recognition Certificate confirming their new gender status 'for all purposes'. This means that she or he is legally recognised for all purposes in their acquired gender.

Marriage and civil partnership:

In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex couples. Same sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples except where permitted by the Equality Act.

Pregnancy and maternity:

Pregnancy is the condition of expecting a baby. Maternity is the leave period after the birth in the employment context. Outside of the employment setting, in relation to non-work cases, protection against maternity discrimination is for the first 26 weeks after giving birth and includes treating a woman unfavourably because she is breastfeeding for example asking her to stop breastfeeding in a public space i.e. coffee shop, restaurant, on a bus, or asking her to leave.

Race (includes colour, nationality, ethnic or national origins):

The Equality Act defines 'race' as an Association of people defined by their colour, nationality (including citizenship) and ethnic or national origins. A person has the protected characteristic of race if they fall within a particular racial Association. A racial Association is an Association of people who have or share a colour, nationality or ethnic or national origins. For example, a racial Association could be 'British' people. A racial Association can also be made up of two or more distinct racial Associations, for example 'Black British' (people who are Black and British citizens) or 'South Asian' (people from India, Pakistan, Bangladesh, and Sri Lanka etc.). Nationality (or citizenship) is the specific legal relationship between a person and a state through birth or naturalisation. It is distinct from national origins. National origins must have identifiable elements, both historic and geographic, which at least at some point in time indicate the existence or previous existence of a nation. For example, as England and Scotland were once separate nations, the English and the Scots have separate national origins. The provisions of the Equality Act only apply where a person belongs to an ethnic Association as defined by the courts. The courts have confirmed the protected ethnic Associations are; Sikh, Jewish people, Romany Gypsies, Irish Travellers, Scottish Gypsies, and Scottish Travellers.

Religion or belief (includes non-belief):

Under the Equality Act, religion includes any religion that has a clear structure and belief system. Protection under the Act also includes those who do not have a religion. This means that employees or job applicants are protected if they do not follow a particular religion or if they have no religion at all. Belief means any religious or philosophical belief or a lack of belief. To be protected, a belief has to meet certain conditions. It must be 'a weighty and substantial aspect of human life and behaviour' and should affect your life choices or the way you live for it to be included in the definition. Humanism and Atheism are protected philosophical beliefs but political beliefs are not protected under the act.

Sex (man or woman):

Under the Equality Act, sex refers to a man or a woman. As in previous legislation both men and women are protected from discrimination under the Act.

Sexual orientation (lesbian, gay, bisexual and heterosexual):

Under the Equality Act this refers to a person's sexual orientation or attraction toward:

- persons of the same sex (a gay man or a lesbian);
- persons of the opposite sex (someone who is heterosexual);
- persons of either sex (someone who is bisexual).

7.2 The different types of discrimination

Direct discrimination:

This is where someone is treated less favourably than another person because of a protected characteristic. Examples of direct discrimination:

- Male employees get paid more than their female colleagues doing the same job;
- A gay employee is overlooked for promotion because of their sexuality.

A different approach applies to the protected characteristic of age, because some age-based rules and practices are seen as justifiable. And less favourable treatment of a person because of their age is not direct discrimination if it can be shown that the treatment is a 'proportionate means of achieving a legitimate aim'.

Direct discrimination by association (associative discrimination):

This is direct discrimination against someone because they associate with another person who has a protected characteristic. Examples of discrimination by association:

- An employee is not offered a promotion because they are the parent of a disabled child;
- An employee is being discriminated against at work because they are the parent or partner of somebody undergoing gender re-assignment.

Direct discrimination by perception (perceptive discrimination):

This is direct discrimination against someone because they are thought to possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Examples of discrimination by perception:

- Someone is refused accommodation at a hotel because he/she is perceived to be gay
- A job application is rejected because the employer assumes the candidate is Black as they have an African name

Indirect discrimination:

This is a less obvious form of discrimination than direct discrimination. This occurs when an apparently neutral criterion i.e. a rule, provision, policy or procedure that is applied or put in place for everyone that adversely affects or places at a disadvantage people with a particular protected characteristic compared to people who do not share that characteristic and, applying the criterion cannot be objectively justified. Examples of indirect discrimination:

- Requiring that the employee be 6 feet tall would disproportionately disadvantage women;
- Uniform requirements stating employees may not wear headwear would indirectly discriminate against for example Rastafarians (head dress), Sikh men (turban), Jewish men (yarmulke) etc. unless the dress code can be objectively justified.

Bullying and harassment:

Under the Equality Act, harassment is defined as ‘unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating a degrading, hostile, humiliating, intimidating or offensive environment for that individual’. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may occur between two individuals, or it may involve Associations of people. It may not necessarily be face to face, it can also occur through e-mail, text, telephone or over the internet. Whatever form it takes, it is unwelcome to the individual. Examples of harassing and bullying behaviour:

- Spreading malicious rumours, or insulting someone by word or behaviour;
- Making inappropriate jokes or using offensive language;
- Putting up offensive posters, graffiti, flags, bunting and emblems;
- Deliberately excluding or isolating people;
- Setting unachievable or impossible targets /deadlines

Note, individuals can now complain of behaviour that they find offensive even it is not directed at them. The individual does not have to possess the characteristic themselves.

Victimisation:

This occurs when an employee is treated badly because they have made a complaint or supported a colleague to make a complaint or, raised a grievance or supported a colleague to do so or, are suspected of doing either. Protection against victimisation is lost if the employee makes a complaint that is found to be untrue or malicious. An example of victimisation:

An employee raised a grievance against her manager because she felt he had discriminated against her as she is in a civil partnership with a woman. The complaint is resolved through the grievance procedure. The employee feels she is subsequently excluded by her colleagues and her manager for making the claim.

7.3 Examples of lawful actions to overcome or minimise disadvantage Duty to make reasonable adjustments:

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by:

- (i) changing provisions, criteria or practices;
- (ii) altering, removing or providing a reasonable alternative means of avoiding physical features, and
- (iii) providing auxiliary aids More favourably

To treat somebody better than someone else is unlawful under the Equality Act except in very limited circumstances e.g. the duty to make reasonable adjustments for a disabled person. The law can also require pregnant workers to be treated more favourably in some circumstances.

Objectively justified

When something can be shown to be a proportionate means of achieving a legitimate aim or, to achieve the aim is appropriate and necessary.

Positive action

The Equality Act permits employers to take a range of lawful actions that seek to overcome or minimise disadvantages e.g. in employment opportunities or to meet their different needs experienced by people who share a particular protected characteristic. For example, an employer might decide to take positive action if they find that the make-up of their workforce or in a particular area of the business does not reflect the make-up of their local population. They decide to target their advertising to encourage people from the local community who share the particular underrepresented protected characteristic i.e. women or LGBT to apply for vacancies.

Proportionate

Whether something is proportionate in the circumstances will be a question of fact and involve weighing up the discriminatory impact of the action against the reasons for it, and asking if there is any other way of achieving the aim.

Reasonable

What is considered reasonable will depend on all the circumstances of the case including the size of an organisation and its resources, what is practicable, the effectiveness of what is being proposed and the likely disruption that would be caused by taking the measure in question as well as the availability of finances.

Unconscious Bias

Unconscious bias occurs when people favour others who look like them and/or share their values. For example a person may be drawn to someone with a similar educational background, from the same area, or who is the same colour or ethnicity as them.

Another form of unconscious bias is known as the halo effect. This is where a positive trait is transferred onto a person without anything really being known about that person. For example those who dress conservatively are often seen as more capable in an office environment, based purely on their attire.

It is believed that everyone has unconscious biases. The brain receives information all the time from our own experiences and what we read, hear or see in the media and from others. The brain uses shortcuts to speed up decision making and unconscious bias is a by-product. There are times when this sort of quick decision making is useful, for example if faced with a dangerous situation, however it is not a good way to make decisions when dealing with recruiting or promoting staff.

Unconscious bias at work can influence decisions in recruitment, promotion, staff development and recognition and can lead to a less diverse workforce. Employers can overlook talented workers and instead favour those who share their own characteristics or views.

Where unconscious bias is against a protected characteristic, it can be discriminatory. For example if during a recruitment process an employer ignores the skills and experience of a candidate who is a different race than them and appoints another candidate who is the same race, this could be discriminatory.

Unconscious thoughts can be based on stereotypes and prejudices that we may not even realise we have. Stereotypes surrounding tattoos may subconsciously suggest a person is unlikely to conform and follow rules. Stereotypes surrounding mothers may lead to unconscious bias against women who apply for a role which involves regular travel away from home.

MHA will ensure that Board and Staff receive training on Unconscious Bias as part of Equality, Diversity and Inclusion training.

Policy	Equality, Diversity and Inclusion Policy
Version No	3 – amended 31.10.18
Date Approved by the Board	October 2018
Next Review date	January 2022
Lead Officer	Jo Phillips – HR & Training Business Partner