



# Cloch Housing Association

# Equalities & Diversity

# Policy

<b>Policy Name</b>	Equalities & Diversity Policy
<b>Policy Category</b>	Corporate & Governance
<b>Policy Number</b>	100
<b>Approved by</b>	Board
<b>Responsibility of</b>	Corporate Services
<b>Date Adopted</b>	01/12/2007
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<b>This Review</b>	16/10/2025
<b>Next Review</b>	16/10/2028
<b>Equalities Impact Assessment Required</b>	Yes
<b>Link to other policies</b>	All policies and strategies of Cloch Housing Association
<b>Consultation</b>	No
<b>Need for Procedure</b>	No

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## Introduction

Cloch Housing Association (Cloch) believes in equality of opportunity, embracing diversity, and promoting inclusiveness. We are committed to providing an environment of respect, understanding, encouraging diversity and eliminating discrimination. Cloch's values are Be Kind, Be Responsible, Be Better, Be Positive.

Therefore, this Policy ensures compliance with the law and regulatory responsibilities by mainstreaming equality and diversity in all Cloch's functions to ensure that customers, employees, Board Members, contractors, and the general public are treated with fairness and respect.

This policy is agreed at a time of change: the UK Supreme Court has ruled that the terms "man", "woman" and "sex" in the Equality Act 2010 refer to biological sex; the EHRC has produced a revised Code of Practice which was sent to the Minister for Women and Equalities for approval on 4th September 2025. The next stage is for a draft code, as approved by her, to be laid before Parliament.<sup>1</sup> It will provide formal guidance to service providers, public bodies and associations in relation to their duties under the Equality Act 2010 and how to put them into practice. The EHRC has advised duty-bearers to take appropriate legal advice where necessary in relation to all aspects of compliance with the Equality Act 2010 and other relevant law. These developments will impact on delivery of this policy.<sup>2</sup>

Cloch has an Equality, Diversity and Inclusion Strategy that is linked to our Business & Operational Plan, agreed in March 2025.<sup>3</sup>

## 1. Aims and Objectives

### 1.1 The aims and objectives of this Policy are to:

- Give clear guidance and responsibility to staff, Board, and Contractors.
- Provide a commitment to training for staff and Board as well as operationalising equality, diversity, and inclusion through building knowledge and developing organisational best practice.
- Set out our commitment to using Equality Impact Assessments informed by data gathering.

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<sup>1</sup> <https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/services-public-functions-and-associations-code-0> accessed on 15th October 2025.

<sup>2</sup> <https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>

<sup>3</sup> <https://www.clochhousing.org.uk/governance/>

- Enable delivery of Cloch's values, prevents and addresses harassment and bullying both in the workplace and in our communities.
  - Explain how we will publish our statistics on protected characteristics and complaints related to equality issues.
- 1.2 Cloch believes that equality is about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. We are putting this principle into practice by making equality considerations part of our everyday work.
- 1.3 This policy is designed to ensure that no person, group of persons or organisation who deals with Cloch in any way or who requires a service, assistance or advice, or who is employed by (or serves) in any capacity, is treated less favourably than any other person, group of persons or organisation. This includes setting out clear rights and responsibilities of the organisation, its staff and Board.
- 1.4 There is an undertaking to promote the policy so that anyone dealing with Cloch in any capacity is made aware of it and that there is a zero tolerance of any act which contravenes the policy, principles and objectives.

## **2. Legal, Regulatory and Good Practice Framework**

2.1 This Policy takes account of relevant legislation:

- Equality Act 2010
- Human Rights Act 1998
- The Housing (Scotland) Act 2010
- UN Convention on the Rights of the Child (Scotland) Act 2024.

2.2 This Policy takes account of Regulatory Standards and in particular

**Standard 1:** The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

**Standard 2:** The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

**Standard 3:** The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.

**Standard 4:** The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

**Standard 5:** The RSL conducts its affairs with honesty and integrity.

2.3 When preparing the Annual Assurance Statement Cloch must have assurance and evidence that it is meeting all its legal obligations associated with housing and homelessness services, equality and human rights, and tenant and resident safety.<sup>4</sup>

2.4 This policy must be interpreted to take account of the ruling that the terms “man”, “woman” and “sex” in the Equality Act 2010 refer to biological sex. The EHRC has revised its Code of Practice which is currently subject to ministerial approval. The Code supports service providers, public bodies and associations to understand their duties under the Equality Act and put them into practice.<sup>5</sup>

### **3. Diversity – Wider than Equality**

3.1 Diversity is about all sorts of differences, not just those covered by equality laws, but also differences in, for example, values, working pattern and social background.

3.2 Diversity is about valuing and respecting these differences in all of us: in particular, valuing and respecting the different skills and experience individuals have and the different, but equally important, contributions we can each make in the workplace and elsewhere.

### **4. Human Rights Legislation**

4.1 The Human Rights Act 1998 gives domestic effect to most of the rights and duties in the European Convention on Human Rights. Article 14 is the right to equal enjoyment of rights so must be partnered with all the other rights to ensure people can equally enjoy the listed human rights.

4.2 The UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 prohibits a Scottish public authority from acting, or failing to act, in a way which is incompatible with the “UNCRC requirements”, which are the rights listed in Schedule 1 of the Act. Article 2 requires the Government to “respect and ensure” the rights are enjoyed by children “without discrimination of any kind”. The Government should take “all appropriate measures to ensure that the child is protected against all forms of discrimination. A child is defined as any person under the age of 18.

### **5. Equality Law**

5.1 The Housing (Scotland) Act 2001 and 2010 placed a legal obligation on housing associations to promote equal opportunities. Section 39 of the Housing (Scotland) Act 2010 requires social landlords, when performing housing

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<sup>4</sup> <https://www.housingregulator.gov.scot/for-landlords/regulatory-framework/#section-3>

<sup>5</sup> <https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/services-public-functions-and-associations-code-0> - accessed on 15th October 2025.

services, to "...act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being relating to equal opportunities."

5.2 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The law requires a pro-active and organised approach, focusing on prevention:

- Treat people differently to get equal outcomes
- Makes provision for Reasonable Adjustments
- Lists the Protected Characteristics

5.3 The Equality Act 2010 requires equality of treatment and opportunity for all groups in society without discrimination or prejudice on any grounds. It defines protected characteristics and sets duties for specified public bodies. The protected characteristics are those "grounds" on which it is unlawful to discriminate. These are:

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

### **Positive Action**

5.4 The Equalities Act 2010 outlines two types of positive action, which, in certain circumstances, are permissible:

- General
- Recruitment and Promotion

If Cloch believes that persons who share a protected characteristic suffer a disadvantage or have different needs because of that characteristic, then action may be taken to help overcome the disadvantage or address the needs. The Act points out that any action should be proportionate.

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

6.1 The Public Sector Equality Duty contains three elements that cover discrimination, harassment, victimisation, and any other form of conduct prohibited under the Act. The second and third elements of the Duty apply to all of the protected characteristics except marriage and civil partnerships.

- 6.2 The Public Sector Equality Duty expects bodies to take effective action on equality, to make the right decisions, first time around, develop better policies and practices based on evidence, be more transparent, accessible and accountable and deliver improved outcomes for all.
- 6.3 The Duty requires specified public bodies (or those that carry out public functions) to have 'due regard' to the need to:
- eliminate conduct prohibited in law.
  - advance equality of opportunity between people who share a protected characteristic and those who don't.
  - foster good relations between people who share a protected characteristic and those who don't.
- 6.4 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.
- 6.5 RSL's are not included in the list of designated bodies covered by the Duties, but many of the specific functions that they carry out are likely to be of a public nature, and so the Duty applies to this functions which can include:
- Allocation of housing
  - Setting rent levels
  - Complaints procedures
  - Tenant participation
  - Termination of tenancies
  - Terms of tenancy
  - Anti-social behaviour

## 7. Discrimination

**Direct** and **Indirect** discrimination are both unlawful under the Equality Act 2010.

- 7.1 Direct Discrimination is when you are treated worse than another person or other people because:
- you have a protected characteristic
  - someone thinks you have that protected characteristic (known as discrimination by perception)
  - you are connected to someone with that protected characteristic (known as discrimination by association)

7.2 Your circumstances must be similar enough to the circumstances of the person being treated better for a valid comparison to be made. If you cannot point to another person who has been treated better, it is still direct discrimination if you can show that a person who did not have your protected characteristic would have been treated better in similar circumstances.

7.3 To be unlawful, the treatment must have happened in one of the situations covered by the Equality Act such as in the workplace or when you are receiving goods or services.

7.4 Indirect discrimination happens when there is a policy that applies in the same way for everybody but disadvantages a group of people who share a protected characteristic, and you are disadvantaged as part of this group. If this happens, the person or organisation applying the policy must show that there is a good reason for it.

#### **Associated Discrimination**

7.5 This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a non-disabled person is discriminated against because they need to take care of a disabled dependent.

#### **Discrimination by Perception**

7.6 This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to. For example, a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the correct visa to work in the UK as they have a foreign looking name on their application form.

#### **Victimisation**

7.7 This occurs when someone faces discrimination because they have made an allegation of unlawful discrimination or because of assisting or supporting a complainant. An example might be refusing to consider someone for a promotion because they gave evidence on behalf of a colleague who made a complaint of unlawful race discrimination.

### **8. Harassment and Bullying**

8.1 Workers have rights and employers have duties in respect of preventing and dealing with harassment.

8.2 To protect people from everyday situations such as workplace harassment, there should be zero tolerance of workplace bullying and harassment in all its forms. However, the former does not appear in the Equality Act 2010, which focuses specifically on harassment, which is unwanted conduct related to a relevant protected characteristic, and which violates a person's dignity or has



the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment.<sup>6</sup>

### **Harassment by a Third Party**

- 8.3 As an employer, Cloch is potentially liable for the harassment of their staff or customers by people they do not themselves employ, for example a contractor or consultant.

## **9. Intersectionality**

- 9.1 Intersectionality is a framework for understanding a person, group of people, or social problem who are subject to multiple intersecting forms of discrimination and exclusion.
- 9.2 It takes into account people's overlapping identities and experiences to understand the complexity of prejudices they face.

## **10. Fairer Scotland Duty**

- 10.1 Scotland has activated the social and economic rights provisions under Part 1 of the Equality Act 2010.<sup>7</sup> through the Fairer Scotland Duty.
- 10.2 The Duty places a legal responsibility on named public bodies in Scotland, to actively consider ('pay **due regard**' to) how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. RSLs are not listed but it is useful to be aware of this duty given the public bodies it covers such as Health Boards and councils.<sup>8</sup>
- 10.3 In deciding how to fulfil the Duty, public bodies must take into account the statutory guidance.<sup>9</sup>

## **11. Equality Impact Assessment**

- 11.1 Under the Equalities Act 2010, Public Bodies are required to carry out Equality Impact Assessments (EIA's). The Scottish Housing Regulator has stated that it would expect Registered Social Landlords (RSL's) to carry out EIA's.
- 11.2 Cloch has adopted an Equality and Human Rights Impact Assessment Tool (EqHRIA) to assist the process of making decisions on policies and services. The tool will be used by staff to consider the impact of proposals included unintended outcomes/consequences. See Appendix 1

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<sup>6</sup> <https://www.lawsociety.org.uk/topics/hr-and-people-management/understanding-workplace-harassment>

<sup>7</sup> <https://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>8</sup> Authorities subject to the Socio-economic Inequality Duty) (Scotland) Regulations 2018  
<https://www.legislation.gov.uk/sdsi/2018/9780111038086/regulation/2>

<sup>9</sup> <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/pages/1/>

- 11.3 This policy and the EqHRIA enables Cloch to have assurance and evidence that it considers equality and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.

## **12. Mainstreaming Equality & Diversity Policy**

### **General Requirements**

- 12.1 All of Cloch's strategic documents and policies will take account of the principles of this policy and will contain an equal opportunities statement to reinforce this.
- 12.2 Cloch will maintain existing and develop new policies and procedures which deal with specific issues that are key to the delivery of this policy, including data collection.
- 12.3 Cloch will ensure our employment practices, including recruitment and conditions of employment comply with this policy.
- 12.4 Cloch will seek assurance and evidence from those we work with, such as contractors and consultants, that they have appropriate equal opportunities policies.

### **The delivery of equality of opportunity across service provision**

- 12.5 Cloch will provide equal access to housing and the associated housing management and maintenance services. This will include working with third party organisations to achieve this objective.
- 12.6 Cloch will gather equal opportunities statistics for applications for housing, our tenant members, applicants for employment, staff members and governing body members to help us monitor this policy and any targets set within other policies. We will benchmark performance against comparable service providers where possible.
- 12.7 Cloch will encourage and support active participation in our governing structure and service users which reflect the composition of our community.
- 12.8 Cloch will consult with service users, stakeholders and the wider community where relevant in the review of policies.

## **13. Staff, Board and Contractor Responsibilities on Equal Opportunities**

Staff and Board sign a Code of Conduct each year that includes awareness of the Equalities & Diversity Policy. Breach of this Code of Conduct can lead to disciplinary proceedings and in the worse cases, dismissal.

### **Staff Responsibilities**

- 13.1 Cloch has designated the CEO to have responsibility for the operation and monitoring of the equality and diversity policy.
- 13.2 All employees have a responsibility to apply this policy in their day-to-day work. All job descriptions have a statement which reinforces this requirement.
- 13.3 Where posts have specific responsibilities, these will also be clearly stated in the job description.
- 13.4 All staff have a duty to bring any discriminatory behaviour or attitudes that they become aware of, to the attention of their line manager.

#### **Board responsibilities**

- 13.5 The Management Committee has ultimate responsibility for ensuring Cloch's policy and practices comply with this equality and diversity policy.
- 13.6 Each Board member has a duty to bring any discriminatory behaviour or attitudes that they become aware of, to the attention of the Chairperson.

#### **Contractor Breach of Policy**

- 13.7 If a complaint about discrimination, victimisation, or harassment is made against a contractor, it will be dealt with through our Complaints Handling Procedure and appropriate action will be taken which could mean the dismissal of a contractor's employee or the termination of the Contract.

### **14. Equal Opportunities Monitoring And Data Collection**

- 14.1 Standard 5.3 of the Scottish Housing Regulator (2019) Regulatory Standards of Governance and Financial Management states: "To comply with these duties, landlords must collect data relating to the protected characteristics for existing tenants, new tenants, people on waiting lists, governing body members and staff."
- 14.2 Cloch will seek to collect and monitor information to ensure that no groups are discriminated against in relation to employment, membership, service user or rehousing opportunities.
- 14.3 All information will be managed in line with our privacy policy and DPA registration. It will be used only for the purpose of equal opportunities monitoring in relation to the activities of Cloch. The areas of activity that will be monitored include:
  - applications for housing
  - new tenancies
  - Governing body membership
  - Cloch employment (including request for application forms, job applications, shortlists and successful candidates)
  - Contractors' policies and activities

- 14.4 Cloch will present information on anonymised collected data to the Governing Body. We will also use the results to influence Cloch's service planning process.
- 14.5 Cloch will report our performance in respect of equality to tenants and other service users through Cloch's Annual Report and Newsletters.

## **15. Inclusive Communication**

- 15.1 People with communication support needs can face widespread exclusion and discrimination. It is estimated that over a million people in Scotland have some form of communication support need.
- 15.2 Cloch will seek to deliver Inclusive communication which means sharing information in a way that everybody can understand: written information, online information, telephone and face to face

## **16. Training**

- 16.1 Cloch will ensure that all staff and the governing body members receive appropriate and regular training on equal opportunities. This shall include induction training.
- 16.2 Specific training will be offered when there are particular legal or policy developments which impact on the operation of Cloch.

## **17. Complaints**

- 17.1 Although Cloch is committed to providing high levels of service, we accept that there may be occasions where a service user may not be satisfied with the service.
- 17.2 Cloch values all complaints and uses this information to help improve our service. Any service user, complying with the procedure, but remaining dissatisfied with any aspect of the service they have received, has the right to submit a complaint to Cloch in accordance with the Complaints Handling Procedure.
- 17.3 Any customer, contractor, or member of the public who wishes to complain about discrimination, victimisation, or harassment by a member of staff or Board Member should contact the office by letter, phone, coming into the office, the website, or through the customer web portal. The complaint will be dealt with through our Complaints Handling Procedure.
- 17.4 Any member of staff or Board Member who experiences discrimination, victimisation, or harassment should speak to their Line Manager or another member of the Leadership Team in the first instance. For complaints against staff, this will be treated as a disciplinary matter and will follow the procedures in the terms and conditions of employment. For a complaint against a Board Member, this will be treated under the Breach Procedure in the Board Code of

Conduct. A tenant found to be causing any of these things, could lead to a breach of tenancy.

## **18. GDPR**

- 18.1 Cloch will treat personal data in line with our obligations under the current General Data Protection Regulation (GDPR) and our Privacy Policy.
- 18.2 Information regarding how staff and customer data will be used and the basis for processing, is provided in our Fair Processing Notice.

## **19. Policy Revision**

- 19.1 Cloch undertakes to carry out a comprehensive review of all aspects of this policy at least every three years. The review will take account of legislative changes, new policy guidance, best practice advice and the views of service users.
- 19.2 From April – June 2025, the UK Government undertook a consultation to shape future policies and is considering legislative reform. Views were invited on a number of areas of equality policy to identify barriers to opportunity and how to overcome them. Evidence and views were also sought on the existing legal framework to help better understand how the law is working in practice and on areas of possible equality law reform including: strengthening protections against combined discrimination; ensuring the Public Sector Equality Duty (PSED) is met by all parties exercising public functions; creating and maintaining workplaces and working conditions free from harassment.<sup>10</sup>
- 19.3 In September 2025, the EHRC submitted to the Minister for Women and Equalities, a draft Code of Practice for services, public functions, and associations (the Code) under the Equality Act 2010. The Minister has to approve and lay the Code before Parliament. A redrafted Code was required following the judgment in *For Women Scotland Ltd v Scottish Ministers* which clarified, amongst other matters, the correct legal interpretation of 'sex' in the Equality Act 2010.
- 19.4 Given the above developments, it may be appropriate to undertake an earlier, review of this policy.

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<sup>10</sup> <https://www.gov.uk/government/calls-for-evidence/equality-law-call-for-evidence>

## Appendix 1: Equalities and Human Rights Impact Assessment (EQHRIA) Template



### Equality and Human Rights Impact Assessment (EqHRIA)

The EqHRIA is designed to audit proposals, internal and external, before decisions are made by Cloch Housing Association. It is a useful tool to standardise the process, as well as achieve better outcomes.

**Purpose:** To improve our work so we properly consider the impact any change will have, in advance, internally and externally.

**Motivation:** Regulatory and statutory responsibilities and fits with our values.

**Timing:** At the start of the internal planning process, or when a decision is delivered that impacts on us and our stakeholders.

**Process:** Delivered/supported by staff, collaboratively, in an environment founded on fairness, respect, equality, diversity, inclusion, engagement and dignity.

**Tool:** Not a checklist but a format informed by this short summary of key questions to aid a wider process.

**Record:** Logging the process provides assurance and evidence that Cloch Housing Association has considered equality, diversity and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.<sup>11</sup>

**Support and Review:** Creating a record provides quality assurance and continuity across the organisation. It provides accountability, good governance and transparency.

**Resources:** Equalities and Human Rights Training for staff; access to robust information which is up to date and relevant – may be sourced externally.

**Internal and External Focus:** The EqHRIA is for staff and Committee members to undertake on internal business and a process to assist understanding the impact of policies and decisions by agencies and partners - on you, your tenants, service users and the local community. For example, local authorities and health boards are subject to the public sector equality duty as well as the Human Rights Act 1998.

## Let's Start

This process helps you think, plan and prevent a negative impact of policies and decisions. Positively, it drives decisions which promote equality, diversity and human rights. It integrates with your work and should not be a burden. It is a process, and a checklist designed to help staff and Board Members make informed decisions by looking at the evidence, considering the consequences including the unintended, encourages curiosity to consider alternative approaches to achieving compliance. It is designed to help define the necessary action to deliver fairer outcomes in policy, service, funding and collaborative working.

Making a record of the process goes beyond simply making a statement of compliance. It provides evidence of intent and the practice of compliance with law and regulations. Without good evidence, a proper assessment of impact will be difficult to achieve. Sometimes the checklist prompts action to gather evidence so an informed decision can be made. For example, insights from service users, advice services and

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<sup>11</sup> Regulation of Social Housing in Scotland Our Framework - February 2019' pub by Scottish Housing Regulator, pg. 8 [regulatory-framework-regulation-of-social-housing-in-scotland-february-2019-website\(2\).pdf](#)

others affected can provide a different perspective. The process and checklist can help you constructively challenge and seek change.

## **Defining Due Regard**

The EqHRIA is based on 'due regard'. In making any strategic decision, active consideration of equalities, diversity and human rights should be 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. The process helps judge if your proposed actions are reasonable in all the circumstances.

## **Process of Undertaking the EqHRIA**

The principles of Human Rights Based Approach (HRBA) are: Participation, Accountability, Non-Discrimination, Empowerment and Legality.

These elements must be incorporated into the EqHRIA.

## **Information**

Article 10 of the European Convention on Human Rights (ECHR) is the right of Cloch HA's staff to form an opinion by receiving and imparting information and ideas. Outcome one of the Scottish Social Housing Charter 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.*

The EqHRIA is a way to recognise and meet these needs. To make an informed opinion, the EqHRIA will draw on information from internal and external sources.

## **Equalities**

The key legislation is the Equality Act 2010 which sets out a pro-active and organised approach, focusing on the prevention of inequality and discrimination. See Appendix 1



## Human Rights

The process will be informed by legislation that relates to the subject matter of the decision/policy. Core to the process is applying the Human Rights Act 1998 which gave effect to most of the ECHR and can be enforced by the Scottish courts.

The UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

became effective on 16<sup>th</sup> July 2024. Provisions include S 6(1) which provides that: “It is unlawful...for a public authority to act, or to fail to act, in connection with a relevant function in a way which is incompatible with the UNCRC requirements”.

The rights covered, in respect of devolved matters, are listed in Schedule 1. See Appendices 2 and 3.

## Pro- Forma

Depending on the decision, the lead staff will decide on the detail of the EqHRIA required to provide evidence and assurance. The process should be led by the Corporate Services Manager supported by the manager of the department which is responsible for the matter being audited.

Lead Persons:	Process Start Date:	Assessment End Date:
	<b>Equalities &amp; Diversity</b>	
Policy/decision Aim		
<b>Task:</b> Describe how this policy, strategy or service will show due regard for the 3 aims of the general duty across the protected characteristics.	<b>Explain how due regard is applied to equality and diversity responsibilities</b>	<b>Is the impact:</b> <b>Positive?</b> <b>No effect?</b> <b>Negative?</b>
1 Contribute to		

<p><u>eliminating</u> discrimination, harassment and victimisation.</p> <ul style="list-style-type: none"> <li>• Raise awareness of our vision and values for equality, diversity and inclusion.</li> <li>• Challenge appropriately, any behaviours or procedures which do not value diversity and advance equality of opportunity.</li> </ul> <p>2 <u>Advance</u> equality of opportunity between those who share a protected characteristic and those who do not?</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• Remove or minimise disadvantage</li> <li>• Meet the needs of equality groups that are different from the needs of others.</li> </ul> <p>3 <u>Foster Good relations</u> between people from different groups.</p> <ul style="list-style-type: none"> <li>• Tackle prejudice</li> <li>• Promote understanding</li> </ul>		
	<b>Human Rights</b>	

<b>Task:</b> Describe how this policy, strategy or service will show due regard for human rights and duties.	<b>Explain how due regard is applied to human rights and duties.</b>	<b>Is the impact:</b> <b>Positive?</b> <b>No effect?</b> <b>Negative?</b>
List which human rights apply - remember certain people hold specific rights e.g. disabled people  Describe how this policy, strategy or service will deliver human rights, equally.		
Are children's rights engaged directly or indirectly in this act/decision/policy?		
What rights?		
<b>Overall Risk Grading</b> <b>Score:</b> <b>(Low)1 - 5 (High)</b>	Equalities:	Human Rights:
<b>Further Action</b> <b>required?</b>  <b>Led By:</b>	Equalities: Yes/No	Human Rights: Yes/No

## **Appendix 1 - [Equality Act 2010](#)**

### **Pro-active and organised approach, focusing on prevention**

- Treat people differently to get equal outcomes
- Reasonable Adjustments
- Protected Characteristics
- Fostering good community relations - between people who share a protected characteristic and people who do not share it.
- Public Sector Equality Duty: 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 and deliver improved outcomes for all.
- Fairer Scotland Duty – social and economic rights.

### **Protected Characteristics**

Equality is about ensuring and promoting fair treatment for all, regardless of any characteristic. It is against the law to discriminate against anyone because of a “protected characteristic”:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

## **Diversity – Wider than Equality**

- Diversity is about all sorts of differences, not just those covered by equality laws, but also differences in, for example, values, working pattern and social background.
- Diversity is about valuing and respecting these differences in all of us: in particular, valuing and respecting the different skills and experience individuals have and the different, but equally important, contributions we can each make in the workplace and elsewhere.

## **Appendix 2 - [ECHR](#) and the [Human Rights Act 1998](#)**

### **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.

**Red means rights not in HRA**

## **PROTOCOL 1**

Article 1 Protection of property, peaceful enjoyment of possessions

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.

## **Appendix 3 - UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024**

### **Section 6 of UNCRC (Scotland) Act 2024**

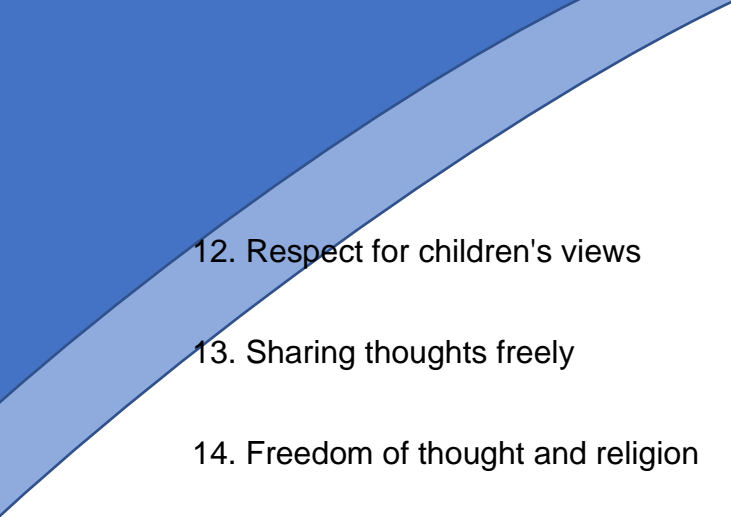
#### **Acts of public authorities to be compatible with the UNCRC requirements**

(1) It is unlawful (subject to subsection (4)) for a public authority to act, or fail to act, in connection with a relevant function in a way which is incompatible with the UNCRC requirements.


(2) A “relevant function” includes being within the legislative competence of the Scottish Parliament to confer on the authority.

#### **UNCRC Rights**

1. Definition of a child - a child is any person under the age of 18.
2. No discrimination
3. Best interests of the child
4. Making rights real
5. Family guidance as children develop
6. Life survival and development
7. Name and nationality
8. Identity
9. Keeping families together
10. Contact with parents across countries
11. Protection from kidnapping

- 
12. Respect for children's views
  13. Sharing thoughts freely
  14. Freedom of thought and religion
  15. Setting up or joining groups
  16. Protection of privacy
  17. Access to information
  18. Responsibility of parents
  19. Protection from violence
  20. Children without families
  21. Children who are adopted
  22. Refugee children
  23. Children with disabilities
  24. Health, water, food, environment
  25. Review of a child's placement
  26. Social and economic help
  27. Food, clothing, a safe home
  28. Access to education



- 
29. Aims of education
  30. Minority culture, language and religion
  31. Rest, play, culture, arts
  32. Protection from harmful work
  33. Protection from harmful drugs
  34. Protection from sexual abuse
  35. Prevention of sale and trafficking
  36. Protection from exploitation
  37. Children in detention
  38. Protection in war
  39. Recovery and reintegration
  40. Children who break the law
  41. Best law for children applies
  42. Everyone must know children's rights
  - 43 to 54. How the Convention works

## **Appendix 4 – Information and Data Gathering Resources**

Staff's knowledge and expertise is essential to the process as are tenant surveys, polling and internal reports. Additionally identifying relevant external sources of data and information helps make the EqHRIA process robust.

### **Inverclyde Council**

For [council](#) reports on policy and data. Also see information on '[Open Data Scotland](#)'. The National Records of Scotland provides an [Inverclyde Council Area Profile](#).

### **Local Government Benchmarking Framework**

The [Local Government Benchmarking Framework](#) (LGBF) provides evidence of trends in how Councils allocate resources, the performance of key Council services and levels of public satisfaction with the major services provided and commissioned by Councils.

### **Improvement Service**

The national [improvement organisation](#) for Local Government in Scotland. It was set up to deliver improvement support that would help councils to provide effective community leadership, strong local governance and deliver high quality, efficient local services.

Also provides details of how Inverclyde Council compares with Councils of a similar socio-economic make up or population size.

### **Census**

The [2022 census](#) provides useful data to assist your work generally as well as on [housing](#).

### **Academic Sources of Data**

The Glasgow Centre for Population Health is a partnership between NHS Greater Glasgow and Clyde, Glasgow City Council, and the University of Glasgow, funded by the Scottish Government with a focus on 'Knowledge **for** Action' and 'Knowledge **into** Action.'

The Fraser of Allander Institute at Strathclyde University is the "leading economic research institute, which carries out impactful research to inform the big challenges

and opportunities facing the nations of the UK.” Also includes the [Scottish Health Equity Research Unit \(SHERU\)](#)

### **Scottish Government Guidance**

[Collecting and publishing equality data, Scot Govt March 2022](#)

### **Data Gathering Guidance**

Collecting Equality Information: [National Guidance for Scottish Social Landlords](#) SHR, SFHA, GWSF and ALACHO

### **Scottish Housing Regulator**

Effective recording of decisions and discussions by governing bodies of Registered Social Landlords - Lessons Learned see [Appendix 2](#)