



Viewpoint Housing Association

Equality and Diversity Policy

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Our Commitment

Viewpoint Housing Association (VHA) is committed to promoting equality of opportunity in its role as a provider of housing, care homes and related services, as an employer and in any other areas of its business.

VHA as an organisation understands that an organisational culture that recognises and values individual difference and that allows everyone to contribute to his or her full potential is important to the organisation's success.

We believe that everyone is entitled to be treated with dignity, respect and fairness, regardless of their age, gender, race, gender reassignment, religious belief, sexual orientation, disability, marital or parental status, socio-economic background/social class, caring responsibilities, TU activities or unrelated criminal offences.

This policy applies to all employees, agency staff Committee members, contractors and voluntary workers.

VHA is committed to:

- Developing a strategy to support the Equality and Diversity policy by providing a framework for implementation and continuous improvement. This will include procedures and systems established to measure and monitor performance in both eliminating discrimination and in implementing good practice.
- Reporting regularly to Committee on progress towards greater equality and diversity.
- Providing necessary training and resources to put the policy into practice.
- Ensuring that employees have access to the policy and are able to participate fully and contribute their best to the work of VHA and that no one feels excluded from being able to do so.

As well as fulfilling our statutory responsibility to promote equality of opportunity in all our activities it is intended that the Equality and Diversity Policy will not only embrace the basic legal requirements, but will also reflect best practice.

This reinforces our commitment to developing an organisational culture that seeks to involve contributions from all communities of interest and recognises the contribution that each individual can make to our work.

Equality and Diversity Policy Statement

VHA values the diversity of all communities of interest and wants its services, facilities and resources to be accessible.

VHA has a commitment to be an organisation that:

- Develops services to achieve equality and diversity in all its activities.
- Understands how valuing diversity can improve our ability to deliver better services.
- Actively consults with all our customers to ensure the delivery of our objectives.
- Actively consults with different individuals and communities of interest (e.g. Black, minority, ethnic (BME) and disability groups) to ensure that services that are provided are responsive and reflect the diversity of the need.
- Provides all employees with the training and development they need to enable them to achieve organisational goals.
- Provides a supportive, open environment where all employees have the opportunity to reach their full potential.
- Listens to its customers and involves them in the development of services that recognise and value diversity.
- Believes that both customers and employees have important parts to play in making this happen.

We will apply this policy in carrying out our statutory and corporate responsibilities throughout all our activities.

We will also seek to apply it to work undertaken for us by external consultants and contractors.

Fulfilling Our Commitment: Developing a Strategy

Equality and Diversity Strategy

The Equality and Diversity Strategy forms a framework for Viewpoint Housing Association to implement the principles within the Policy Statement throughout all its activities so that it becomes an integral part of staffing and business planning as well as the processes and services we provide.

The Strategy must also seek to achieve continuous improvement in the application of our E&D principles.

The Current Position

Housing Services

The Association's Housing Services are mainly sheltered in nature and have historically been targeted at the "over 60" age group within the community.

Prior to the introduction of the EDINDEX allocation system there was a lack of monitoring information on levels of equality and diversity in client access to housing services.

Care Home Services

The Association's Care Home Services are by their nature directed at elderly and frail client groups within the community.

There is a lack of monitoring information on levels of equality and diversity in client access to Care Home Services.

Development Services

The Association's Development Strategy has historically been targeted at the "over 60" age group within the community.

Employment

We have identified through regular equality and diversity monitoring that there are significant levels of representation of diverse communities of interest within our applicant, employee and volunteer population within the Care Home business but we are relatively under-represented in relation to BME groups in other areas of employment within our business.

Committee Membership

The Management Committee is under represented as regards levels of BME and disability in relation to the community that we serve.

External Consultants and Contractors

There is a lack of monitoring information on levels of equality and diversity in the procurement process.

Our Strategic Response to the Current Position

Housing Services

We will use the equality and diversity systems within the EDINDEX allocation system to: -

- Improve our available information on communities of interest that have access to our housing services with a view to enhancing the equality and diversity levels of our accessibility.
- Endeavour to develop our accessibility to the “under 60” age group within the community.

Care Home Services

- We will develop equality and diversity-monitoring systems for the client group that access our Care home Services.

Development Services

- We will investigate the feasibility of developing future services that improve levels of accessibility to “under 60” age groups within the community.

Employment

We will work with other agencies e.g. jobcentres to gain a better understanding of local community profiles and subsequently develop strategies to attract more BME applicants for non-Care Home employment opportunities.

Committee Membership

We will endeavour to improve levels of BME and disability representation on our Management Committee.

External Consultants and Contractors

We will endeavour to develop equality and diversity monitoring processes in the procurement process.

Fulfilling Our Commitment: Responsibilities for Implementation

Responsibilities

It is recognised that the legal responsibility for providing equality of opportunity and diversity rests with Viewpoint Housing Association (VHA).

The Chairperson of the Management Committee, the Chief Executive and Departmental Heads

The overall responsibility for ensuring the full implementation and monitoring of the Policy and the Strategy rests with the Chairperson of the Management Committee and the Chief Executive. Departmental Heads have specific responsibilities for the implementation and monitoring of the Policy in their own departments.

The Chief Executive is responsible for ensuring that this policy underpins all aspects of VHA's work.

This will involve:

- Developing an organisational culture in which this policy can operate effectively and monitoring regularly to ensure that it is properly implemented throughout VHA.
- Co-ordinating the monitoring of the policy.
- Reviewing and developing VHA's procedures and practices in association with Departmental Heads and the Committee of Management.
- Providing guidance and information to Departmental Heads on equality and diversity issues.

Operational and Line Managers

Operational and line managers are responsible for:

- Communicating the company culture and policy.
- Ensuring the successful implementation of the policy.

Certain Heads of Department (Personnel/Admin Manager, Housing Manager, Technical Services Manager, Business Development Manager, Business Manager – Care Homes) in consultation with the Chief Executive will have specific responsibilities for providing annual monitoring information to the Committee of Management e.g. equality audits of existing employees/residents/tenants/consultants/contractors and applicants for housing, care home beds and vacancies. Equality of Opportunity (EO) and diversity must be considered in the creation of any new policies, processes and procedures.

All employees/workers/managers/voluntary workers/Committee members/contractors/consultants

All of the above VHA stakeholders have a responsibility for ensuring that they have read, are familiar with this policy and will put it into practice/implement it in carrying out their role within VHA.

We expect that all our employees/workers/managers and voluntary workers:

- Are committed to making the policy and strategy effective and to setting an exemplary standard for others to follow.
- Ensure that they avoid any unfair or unlawful discrimination in service provision.
- Do not bully, harass or intimidate any other employee or service user or victimise any person who has raised a complaint regarding discriminatory practice.
- Draw to the attention of their line manager or the Personnel Department any instances of apparent discrimination or any perceived "equality of opportunity" issue in relation to employment or to the provision of services. (VHA's Whistleblowing Policy also includes discrimination provisions).

Anyone who manages employees or is involved in recruitment, selection and training/career development has additional responsibility for ensuring that everyone is treated fairly and without unlawful discrimination in these contexts. (VHA's Recruitment, Selection and Development Policy and Procedures apply).

Where it is established that a VHA employee has committed a discriminatory act or omission, this will be viewed seriously and will normally result in disciplinary action being taken under the terms of VHA's Disciplinary and Grievance Procedures.

Fulfilling Our Commitment: Monitoring and Reporting

The Management Committee will receive an annual report as follows with relevant recommendations:

Corporate Governance

Complaints statistics alleging unfair/unlawful treatment on unfair/unlawful discriminatory grounds, via the Complaints Procedure or our Policies/Procedures

Committee members

Data will be collected from equal opportunities forms completed by Committee members when they join a Committee. These forms should be re-circulated regularly in line with the existing employee audit. Due to the sensitive nature of the data and data protection regulations, this will not be reported to the Management Committee, but will be monitored within Personnel.

Housing and Care Homes

Monitoring will take the form of collecting relevant statistics and information covering the allocation of housing and care home accommodation and the use of support services.

Quantitative and qualitative data will be collected from a variety of sources that may include:

- A breakdown of housing and care home applications, allocations, terminations affecting under-represented groups in respect of whom unfair/unlawful discrimination is to be avoided.
- Housing and related initiatives aimed at achieving Equal Opportunities objectives.
- Scottish Continuing Recording Classification reports that include: Nominations and referrals; acceptance onto the Register of Applicants; reasons for refusal of accommodation; housing need before re-housing; waiting period prior to offers; transfer requests; type of property offered.
- One off studies e.g. tenant surveys, general housing needs surveys, studies of particular ethnic groups etc.
- Data/surveys produced by other agencies e.g. local authority, social work departments; voluntary organisations, local race equality councils, and other BME community groups.
- National and regional data which can be analysed at a local level e.g. census, house condition surveys etc Scottish Homes have a Geographical Information System (GIS) for this type of information.
- Informal contacts with agencies and other local social landlords.
- Focus groups; interviews; meetings etc.

Development/Technical Services

Any invitation to develop housing/related services in conjunction Communities Scotland, Local Authorities and/or minority ethnic community of interest groups.

Employment

Personnel will collect and analyse monitoring data on existing employees and all applicants and report this information at least annually to VHA's Management Committee. This will reflect the information collected on the returned confidential equal opportunities forms sent to all applicants for all posts and any data gained via equal opportunity audits of existing staff. Equal opportunity audits will be conducted on a regular basis to check the accuracy of the Personnel database. Data collected will include gender, age, religion/and or belief, marital status, disability and ethnic group. The report will comply with data protection regulations regarding sensitive information.

These provisions will include volunteers.

Contracting/Consulting

Monitoring will take the form of collecting relevant statistics and information covering tendering and use of contractors and consultants based on race, gender and disability.

Policy Review

The strategy will be reviewed annually as part of the annual Equality and Diversity report to the Management Committee.

The policy will be reviewed by no later than October 2008.

Fulfilling Our Commitment: Training and Resources

We are committed to making adequate provision for specific budgetary and other necessary resources to implement the E&D policy and strategy effectively.

The Chief Executive will be directly responsible for ensuring that adequate resources are available to enable the effective implementation of the E&D policy, strategy and related initiatives.

A programme of training will be developed and implemented following adoption of the policy that will be mandatory and will include: -

- Awareness training for Committee Members and all Heads of Department.
- Heads of Department will then be responsible for designing and delivering awareness training for all employees in their own department.
- Personnel will design an Equality and Diversity (E&D) module for inclusion in induction.
- Personnel will develop and deliver with Heads of Department a specific E&D module for employees involved in recruitment and selection.

Fulfilling Our Commitment: Communication

We will ensure that, as an integral part of the implementation of the E&D policy and strategy: -

- Each employee, volunteer and Committee member (existing and new) will receive a copy of the E&D Policy Statement during the training process.
- All job applicants will receive a copy of the E&D Policy Statement.
- Copies of the full policy and strategy document will be made available for reference in each department.
- E&D will be a standing item on the agenda at meetings of the Management Group, the Employee Information and Consultation Group and at all departmental staff meetings.
- Copies of the policy and strategy will be circulated to all VHA's stakeholders.
- Copies of the E&D Policy Statement will be included with tender information and contracts of work undertaken by external organisations and to any external organisations or individuals receiving funding from us.
- Following approval, copies of the annual E&D report to the Management Committee will be made available for reference in each department.

Fulfilling Our Commitment: Policies/Procedures/Processes/Practices that support the E&D Policy and Strategy

In order to support the implementation of the new E&D policy and the strategy, we are reviewing existing policies related to E&D.

A brief statement of intent in the relevant areas is provided here and detailed policies are contained in the appendices to this document.

Harassment

We believe that harassment in any form is unacceptable

We will ensure that all employees are aware of the nature and types of harassment.

Harassment is any conduct based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, gender reassignment, race, colour, language, religion or other belief, political, trade union or other opinion/belief, national or social origin, association with a minority, property, birth or other status which is unreciprocated or unwanted and which affects the dignity of men and women at work (Adapted from the Human Rights Act 1998 and the EC Recommendation and Code of Practice on Harassment).

We will put in place a policy and processes to tackle harassment in the workplace and in service provision (Appendix A).

Equality of Opportunity and Diversity in Employment

VHA aspires to employ a diverse workforce that has the skills and understanding to achieve its goals by the provision of a quality service responsive to individual and community needs.

The application of VHA's terms and conditions of employment and policies on recruitment, training, promotion and payment will be solely on the basis of an individual's qualifications, experience, suitability, aptitude and performance. All employees will be entitled to equality of opportunity in the application of its employment procedures and processes.

We are committed to ensuring that all people are treated fairly and without unlawful discrimination. No job applicants or employees will be placed at a disadvantage by requirements or conditions which have a disproportionately adverse effect on their age, gender, race, gender reassignment, religious belief, sexual orientation, disability, marital or parental status, socio-economic background/social class, caring responsibilities, TU activities or unrelated criminal offences and which cannot be shown to be justifiable on other grounds.

Our Recruitment and Selection Policy, Code of Practice and Procedures confirm how we will meet this commitment.

Policy on the Recruitment of ex-Offenders

Viewpoint Housing Association (VHA) undertakes to treat all applicants for positions within the organization fairly and not to discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.

We will only request a Standard or Enhanced disclosure where it is necessary and relevant to the position sought.

Where a position requires a disclosure we will make this clear on the application form, job advert and any other information provided about the post.

Our Policy on the Recruitment of ex-Offenders appended in the Recruitment and Selection Policy and Procedure provides more detail on how we will meet this commitment.

VHA as a “positive about disability” employer

VHA as a “positive about disability” employer actively seeks to encourage applications from people with disabilities by subscribing to the national Positive about Disability scheme.

The Disability Code of Practice appended in the Recruitment and Selection Policy and Procedure provides more detail on how we meet this commitment.

Family Commitments

VHA is aware that employees may have family commitments in terms of childcare and eldercare. Managers should deal constructively and sympathetically with requests from employees for adjustments in their working hours to accommodate family commitments. Part-time and job share opportunities will be considered where appropriate, and such workers will enjoy pro-rata pay and benefits comparable to full-time employees.

Our Absence Management Policy confirms how we meet our commitment to the provision of family-friendly terms and conditions.

Committee Members

VHA undertakes to regularly review our criteria for membership and appointment to our committees to ensure it is relevant and free from discrimination.

Committee members are encouraged to adhere to the Equality and Diversity Policy and to attend relevant training.

Housing Management and Care Home Services

VHA will seek to work in partnership with Local Authorities to meet the needs of specific client groups such as older people from BME communities identified in Local Authorities Housing Strategies. VHA will seek to work with Local Authorities in identifying under provision and developing appropriate solutions that will enable under represented groups to access services provided by the Association.

The Association's services are mainly aimed at meeting housing, care and related support needs of older people. Consequently, eligibility for access to and use of Association services will, where applicable, be governed by age related selection criteria. Otherwise, unfair and unlawful discrimination will be avoided on grounds of: gender, language, race, ethnic origin, religious belief, disability, marital or parental status, socio-economic background/social class, sexual orientation or unrelated criminal offences.

VHA recognises that these policies will require to be reviewed in any event when “age discrimination” legislation is introduced in 2006.

VHA will ensure and be able to demonstrate compliance with the Housing (Scotland) Act 2001, equal opportunities legislation and Communities Scotland Performance Standards.

VHA will ensure it delivers its care and support services in line with the equality and diversity principals contained in the Scottish Executives National Care Standards for Care Homes and Housing Support Services. Services will be managed and delivered in such a way that they respect an individuals right to:

- Live an independent life, rich in purpose, meaningful and personal fulfilment.
- Be valued for their ethnic background, language, culture, and faith.
- Be treated equally and live in an environment that is free from bullying.
- Make complaints effectively and to live in an environment without fear of victimisation.

The term “Housing and Related Services” means:

- a) All aspects of housing management and support services, including maintenance, managed by the Association, and
- b) All services undertaken by other agencies for or on behalf of VHA by contract or other arrangement.

Provision will be made where possible for physical mobility via appropriate design and reasonable adaption. Reasonable adjustment will also be made as provided by the Disability Discrimination Act 1995. The Association’s Design Brief will assist VHA in its aim to provide homes for life and barrier free accommodation.

VHA will ensure that its allocation policies, procedures and practices do not direct or indirectly discriminate against any group. This applies to the quality of accommodation offered as well as the priority given to applicants from different groups.

Following SFHA guidance, VHA as an RSL will:

- Ensure the lettings policies and procedures are clear and based on the commitment to allocate housing to those with the highest levels of need.
- Ensure information about the allocations policy and procedures are available and distributed to all sectors of the communities you serve, translated into minority languages as appropriate.
- Ensure staffs are fully trained in the implementation of policies and procedures to avoid any discrimination.
- Ensure at least two members of staff are involved in the assessment of applications and allocation decision (Performance Standards B1.2).
- Monitor ethnicity of applicants and allocations to ensure non-discriminatory outcomes.
- Review allocations policies, including relative priorities given to particular groups, to ensure they are non discriminatory.
- Ensure racial harassment is included in the assessment procedure and points system.
- Set targets where there is identified under representation.
- Ensure that subjective judgements about lifestyle, domestic standards and `suitability' of applications are not used.

It will not be assumed that a points system will not result in indirect discrimination.

VHA will ensure that the procedure for seeking medical priority is explained to all tenants and applicants.

VHA will support the right of every tenant, resident and user/potential user of its services to live in their home or receive services free from any form of harassment. Our Policies on Antisocial Behaviour, Racial Harassment and Elder Abuse in relation to housing and care homes will be used to respond to any alleged incident of harassment, abuse or intimidation/antisocial behaviour. Staff

training and awareness of Equal Opportunities and all relevant VHA policies will be a key tool in VHA achieving the aims of this Policy.

All agreements or other conditions related to property occupation will include a clause making racial or other harassment a breach of conditions of property occupancy. In extreme cases, VHA may take action through the Court for possession of the accommodation of the person responsible for the harassment.

VHA will consult with BME and local organisations representing communities of interest under positive action to inform these and other organisations of its service provisions. The objective of this consultation will be to raise awareness of and promote equality of access to Association services, including property development, on the part of under-represented groups.

Access to translation services will be facilitated by VHA as required with the purpose of ensuring equality of access to service provisions.

VHA will ensure that:

- Home visits and other procedures do not make subjective judgements about lifestyle, domestic standards, culture or “suitability” of applicants.
- All assumptions are not made about applicants’ area preferences.
- Decisions to select individual applicants from specific access channels are made by more than one individual, the reasons documented and subject to scrutiny.
- Applicants suffering from racial harassment or domestic violence are given high priority by the association’s assessment procedure.
- Recognised Tenants and Residents associations adopt an equalities and diversity policy and operate in a non-discriminatory manner.

Contractors/Consultants

VHA's policy will be communicated to all contractors and service providers. Major contractors will be expected to have equal opportunities policies that conform with VHA's expectations in terms of their approach to equal opportunities and smaller contractors should sign up to VHA's policy. (Performance standard A5.3) Please see VHA’s Policy for Contractors in meeting their commitment to Diversity and Equality.

VHA will also ensure that external consultants are not discriminated against or treated less favourably in contravention of our equality and diversity policy.

Complaints

Any employee, service user, service provider or member of the public who considers that they have been unfairly treated or discriminated against can raise their complaint through the relevant complaints procedure.

Appendix A

VHA Policies/Procedures and the relevant legislation

The E&D policy and strategy and all other VHA policies and procedures relating to it will operate in line with statutory requirements.

The appendix contains a brief summary of some of the main elements of current E&D legislation (Appendix A), an outline of key VHA policies related to E&D (Appendix B), a list of policies with some E&D content and some general information about useful E&D contacts.

Key E&D Policies/Procedures/Processes

Although VHA has a general commitment to apply the provisions of the E&D Policy to all its policies, procedures, processes and services, some of the key E&D-dependent policies have been included in this appendix. These are: -

- Policy on Harassment*
- Racial Harassment in Housing – procedure note*
- Recruitment and Selection Code and Policy and Procedure*
- Disability Code of Practice
- Policy on the Recruitment of Ex Offenders
- Policy for Contractors/Consultants in meeting their commitment to E&D

**NB. The Commission for Racial Equality (CRE) are revising their Code of Practice at the time this document was prepared. Once the new CRE Code is finalised, the E&D policy and these policies will require to be further reviewed against the new Code, changes approved and implemented and employees made aware of them. Comments would be appreciated on whether these policies should be included at all until the CRE Code is published and they are revised)*

NB (Further additions being considered in full in the key list and in full in this appendix include the Elder Abuse Policy, our allocation policies in relation to Housing, Care Homes and procurement policies as regards Contractors/Consultants – comments would be appreciated as to what key E&D-related policies (if any) should be included in the Appendix)

Examples of Policies/Procedures/Processes with some degree of content related to E&D

- Absence Management
- Whistleblowing
- Anti-Social Behaviour and Neighbour Disputes-Staff Guidance notes and procedures

The relevant statutory framework within which the E&D policy and our related policies currently operate includes, for example, the legislation below. The summaries are only a guide, and not an authoritative statement concerning legislative provision.

The Race Relations Act 1976 and the Race Relations (Amendment) Act 2000

Provides that it is unlawful to discriminate on grounds of race, colour, nationality (including citizenship), and national or ethnic origin in relation to employment, education, housing and certain services.

The Housing Act 1988 and the Housing Act 1996

The Sex Discrimination Act 1975 and 1986 (as amended)

Provides that it is unlawful to discriminate on grounds of sex in relation to employment, education, housing and certain services. Discrimination on the grounds of marriage is within the scope of this Act.

The Disability Discrimination Act 1995

A disabled person is defined as “a person who has, or who has had in the past, a physical or mental impairment which has had a substantial and long-term effect on his or her ability to carry out normal day-to-day activities”. People who have had a disability in the past that met this definition are also protected by the Act. The Act makes it illegal to treat a person less favourable than another on grounds of disability, in relation to recruitment, training, promotion, benefits, terms and conditions of employment and dismissal and in the provision of goods, facilities and services.

The Protection of Harassment Act 1997

The Human Rights Act 1998

Persons are entitled to enjoyment of rights granted under the Act without discrimination.

Employment Equality (Religion or Belief) Regulations 2003

The regulations define religion or belief as: “any religion, religious belief or similar philosophical belief”. It is unlawful to discriminate on the grounds of religion or religious belief in employment and vocational training.

Employment Equality (Sexual Orientation) Regulations 2003

It is unlawful to discriminate on the grounds of sexual orientation in employment and vocational training.

Equal Pay Act 1970

The Act was made on 29 May 1970, but the provisions of the Act relating to "equality" for men and women only came into force on 29 December 1975 (see also the Sex Discrimination Act 1975). The Act, as amended by the Equal Pay (Amendment) Regulations 1983 and the Sex Discrimination

Act 1986, established the right of men and women to equal treatment as regards terms and conditions of employment, when they are employed on the same or broadly similar work or work which, though different, has been given equal value under a job evaluation scheme or work which is of equal worth in terms of the demands of the job. It applies to men as well as women and to full and part-time employment.

Gender Reassignment Regulations 1999

Gender reassignment is defined as “ a process which is undertaken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex, and includes any part of such a process”. The Regulations prevent direct discrimination against transsexuals in employment and in relation to vocational training.

VHA will also consult relevant codes of practice including:

- Equal Opportunities Commission’s Code of Practice for Employment.
- The Disability Rights Code of Practice Rights of Access, Goods, Facilities, Services and Premises as amended.

Appendix B

VIEWPOINT HOUSING ASSOCIATION -POLICY ON HARASSMENT

1.0 INTRODUCTION

VHA values the contribution that all its employees make in enabling the delivery of effective, efficient and high quality services.

We recognises that, to deliver these services to the best of their ability, employees need to work in a healthy and safe environment where all employees are treated with the dignity and respect that they deserve and which is free from harassment and bullying in all its forms.

Harassment and bullying are morally, legally and professionally unacceptable. Team working is undermined and employee morale is reduced. This in turn lowers productivity, and increases staff sickness absence and turnover. It also costs time and money, affects the quality of service delivery and damages our reputation.

For all these reasons, harassment and bullying will not be tolerated and is likely to lead to disciplinary action.

2.0 POLICY AIMS AND PRINCIPLES

2.1 Aims

This policy applies to all employees, workers, managers, Committee members, contractors and voluntary workers (the Association's policy on Elder Abuse addresses the management of harassment and bullying in relation to residents and tenants).

This policy aims to: -

- Minimise the risk of harassment and bullying behaviour.
- Encourage a proactive approach to the early recognition of harassment and bullying.
- Resolve such conflicts effectively and speedily if they occur.

2.2 Principles

- Employees must see this policy as a key part of the Association's policy on Equality and Diversity.
- VHA recognises that all employees have the right to be treated with dignity and respect and we will consider all complaints of harassment or bullying in this context.
- Anyone who supports or encourages harassment or bullying by others might be liable to disciplinary action.
- It is important to remember that bullying and harassing behaviour is not determined by the intention of the person who has caused the offence, but by the effect that it has on the recipient. It is up to the recipient to decide if they are being bullied or harassed because they find the behaviour unacceptable.
- VHA recognises that it employs a diverse workforce where individual employees may have different expectations about what is acceptable workplace behaviour.
- Employees are encouraged to raise valid complaints and can expect them to be taken seriously by VHA and to be investigated promptly, sensitively and fairly. However, malicious complaints will be regarded as gross misconduct and disciplinary action (including the possibility of dismissal) will be taken.
- Both parties to a complaint must be treated fairly and both will be offered support and guidance.

- Independent procedures are available to treat the matter seriously, establish what happened in any alleged incident (s) and deal with it speedily as far as that is possible.
- Employees will be protected from victimisation for making or being involved in a complaint (the Association's policy on "Whistleblowing" also refers in such instances).
- As far as is possible, confidentiality will be maintained but cannot be guaranteed once the investigation is set in motion.

3.0 ROLES AND RESPONSIBILITIES

3.1 Viewpoint Housing Association will ensure that: -

- Recognised trade unions and recognised employee representatives are consulted in agreeing this policy.
- All existing and new employees are provided with a copy of this policy.
- Employees involved in these procedures have access via Personnel to independent counselling.
- This policy and its procedures comply with legislation.
- This policy and its procedures are monitored and reviewed formally on a regular basis in consultation with recognised trade unions and employee representatives.
- Each Head of Department is accountable for the effective implementation and monitoring of the policy within their area of responsibility.

3.2 Managers will ensure that: -

- There is good communication with and between employees by operating an open door policy.
- Examples and standards of behaviour are set in the workplace that include not harassing and bullying staff and generally making employees aware of how their behaviour affects people.
- An environment and culture is created where everyone is treated with respect and dignity and inappropriate behaviour is not tolerated.
- Inappropriate behaviour is recognised and action is taken promptly where it occurs.
- Employees are aware of the policy and know how to raise harassment and bullying issues.
- Solutions are worked on to resolve harassment and bullying cases.
- Support is provided to employees who may feel that they are being harassed or bullied.
- Complaints are dealt with seriously, fairly, thoroughly, quickly and confidentially respecting the feelings of all concerned.
- There is no retaliation against the person who made the complaint.
- Employees recognise that gossiping about harassment and bullying can be destructive.

3.3 Employees are responsible for complying with this policy and are required to:

- Treat colleagues with dignity and respect.
- Be aware of how their own behaviour can affect others e.g. ensuring that normal workplace banter enhances rather than undermines teamwork.
- Support colleagues who are being harassed or bullied.
- Bring to the attention of their manager or another appropriate senior manager, any instances of harassment or bullying that they are aware of.

4.0 WHAT IS HARASSMENT IN THE WORKPLACE?

General Guidance

Harassment is any conduct based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, gender reassignment, race, colour, language, religion or other belief, political, trade union or other opinion/belief, national or social origin, association with a minority, property, birth or other status which is unreciprocated or unwanted and which affects the dignity of men and women at work (Adapted from the Human Rights Act 1998 and the EC Recommendation and Code of Practice on Harassment).

“At work” includes any place that can be identified with the requirements of the employer or with social events linked to that employment.

Features of harassing behaviour

- Persistent incidents.
- A single, serious incident.
- Unwanted physical contact.
- Verbal abuse such as anonymous voicemail messages, offensive language or innuendo, telling offensive jokes, name calling or spreading malicious rumours.
- Written abuse such as letters, faxes, e-mails or graffiti (these may be anonymous) or displaying offensive pictures or posters.
- Explicit behaviour such as mimicking the effects of a disability, threats.
- Covert or disguised behaviour such as social isolation and non-co-operation, implicit threats and pressure for sexual favours.
- Incidents associated with work such as stalking.

Such behaviour is inappropriate and unacceptable if: -

- It is unwanted, unreasonable and offensive to the recipient.
- It is used as the basis for employment decisions.
- It creates a hostile or ineffective working environment.

5.0 WHAT IS BULLYING IN THE WORKPLACE?

General Guidance

Bullying is the misuse of power or position that undermines a person’s ability, or leaves them feeling hurt, frightened, angry or powerless.

Features of bullying behaviour

- Sadistic or aggressive behaviour over time.
- Exclusion from meetings.
- Humiliation or ridiculing.
- Criticism in public that is designed to humiliate.
- Persistent, unwarranted criticism in private.
- Treating colleagues as children, not as adults.
- Undermining employees by replacing their areas of responsibility unreasonably or without justification.
- Withholding information to deliberately affect a colleague’s work performance.
- Constantly changing work deadlines or work guidelines.

6.0 PROCEDURES

Aims

The following procedures aim to help resolve complaints about harassment and bullying carefully and sensitively by: -

- Clarifying how complaints should be made and resolved.
- Ensuring that complaints are dealt with promptly, fairly and consistently.
- Protecting the rights of both the complainant and the alleged harasser/bully.

Options for action

Employees who believe that they are being harassed or bullied should take the following steps:

- Personal Action
- Informal Action
- Formal Action

Personal Action

In some cases talking directly with the person who is causing the harassment/bullying problem might be enough.

This approach might be appropriate if, for example, the person complaining believes that the unacceptable behaviour is unintentional, and the other person is unaware of its impact.

The person complaining can take this action alone, or with help from a work colleague or trade union representative.

The person complaining should clearly: -

- Explain how the behaviour makes them feel in as much detail as is possible.
- Explain how it is interfering with their work.
- Ask the person to stop that behaviour.

It is the responsibility of the person complaining to keep a note of everything that is said.

Informal Action

Informal action is intended to conciliate rather than to punish.

If the "Personal Action" outlined previously fails or is inappropriate, informal action by a manager or the Personnel Manager might be more effective. However this approach should not be taken if the person complaining wishes formal action to be taken or if the seriousness of the incident (s) makes it inappropriate.

After discussing the issue with the person complaining, the manager should speak to the alleged harasser/bully to attempt to resolve the issue. This informal and confidential discussion should explore the following: -

- How the person complaining feels as a result of the other person's behaviour.
- The alleged harasser/bully's view of the situation.
- In what way the behaviour is contrary to the policy.

- The required standards of behaviour.
- The likely consequences of continuing the behaviour.
- How the situation will be monitored and reviewed.

The manager should take a note of both discussions.

Following these discussions, the manager should provide feedback to the person complaining. If appropriate, the manager can offer to facilitate a joint meeting with both sides to re-establish effective working relations.

Formal action

If neither “Personal Action” nor “Informal action” has resolved the matter or if the person complaining chooses to take formal action, the matter should be reported to the Personnel Manager.

The complaint must be in writing, confirming the specific dates and details of the incident (s), and any approaches asking the alleged harasser/bully to stop.

Procedure

- The Personnel Manager gives the complaint a high priority and arranges for another senior manager to investigate the complaint. The senior manager will not have line management responsibility for the persons involved.
- The senior manager will gather facts/statements relating to the incident (s) from everyone concerned.
- Everyone involved will receive a fair and impartial hearing.
- A work colleague or trade union representative may accompany the person complaining to meetings about the complaint. This also applies to the alleged harasser/bully.
- After an initial investigation, the senior manager will decide: -
- **Whether there is a case to answer:** If there is no case to answer, all records of the matter will be disregarded. The person complaining will receive feedback on this decision.
- **Whether the matter can be dealt with through mediation or conciliation:** If both sides agree to this, the alleged harasser/bully’s manager will be informed confidentially.
- **Whether there is justification for a formal disciplinary hearing.**
- The results of the initial investigation should be completed at the earliest opportunity and in any event should take no longer than three weeks to complete to minimise additional stress/anxiety on both sides.
- If the matter is to be investigated in a formal disciplinary hearing, the Association’s Disciplinary Procedures will apply.
- It might be necessary to suspend an employee on full pay to protect them or to aid the investigation (In accordance with the provisions laid out in the Association’s Disciplinary Procedures) and it should be made clear to all involved that this is not disciplinary action.
- If appropriate it might be preferable to move an employee.

Outcomes

- If the initial investigation finds that the disciplinary procedure is not required, then conciliation or mediation will be invoked for the persons involved.

- If the investigation supports the allegation, the Association's Disciplinary Procedures will be used.
- The person complaining will receive verbal feedback on the outcome of their complaint that will later be confirmed in writing.
- Frequently the person complaining and the harasser/bully are based in the same workplace. If a complaint of harassment/bullying is upheld it might be necessary to separate them. In most situations it will be the harasser/bully who is moved.
- Sometimes it might be necessary to separate both sides even where the complaint is not upheld to maintain good working relations.
- Viewpoint recognises the importance of offering support including counselling assistance to all parties involved in these processes.

7.0 MONITORING AND REVIEW

The policy and its procedures will be monitored and reviewed formally on a regular basis in consultation with recognised trade unions and employee representatives, usually at least every three years.

Personnel – March 2005

Victimisation:

Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment. They may become labelled "troublemaker", denied promotion or training, or be socially isolated by their colleagues. If this happens or if organisations fail to take reasonable steps to prevent it from happening, they will be liable and may be ordered to pay compensation. Individuals who victimise may also be ordered to pay compensation.

Examples:

- After giving evidence for a colleague who had brought an Employment Tribunal claim against the organisation on the grounds of religion or belief, a worker applies for promotion. Her application is rejected even though she shows that she has all the necessary skills and experience. Her manager says she is a 'troublemaker' because she has given evidence at the Tribunal and as a result should not be promoted. This would be victimisation.

Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional, subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which is not with malicious intent but which is upsetting. Harassment in terms of sexual orientation applies to individual's sexual orientation (real or perceived) or it may be about the sexual orientation (real or perceived) of those with whom the individual associates.

Examples:

- A male worker who has a same sex partner is continually referred to by female nicknames that he finds humiliating and distressing. This is harassment.
- A worker has a son who is gay. People in the workplace often tell jokes about gay people and tease the worker about his son's sexual orientation. This may be harassment on grounds of sexual orientation, despite it not being the victim's own sexuality that is the subject of the teasing.
- A culture in the workplace that, for instance, appears to tolerate the telling of homophobic jokes.
- Mr 'A' is continually teased about his partner's religious convictions. He finds being subjected to such teasing offensive and distressing and complains to his manager. His manager tells him not to be silly, that the teasing is only harmless workplace banter and is nothing to do with the organisation. This is discriminatory.
- Ms X is the only Welsh person working in a London firm. Her secretary takes every opportunity to mimic her accent and make anti-Welsh jokes in her presence, sometimes in staff meetings. This is discriminatory.

(Examples are taken from ACAS guidance)

Victimisation

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Appendix C

Policy for Contractors/Consultants in meeting their commitment to Equality of Opportunity and Diversity

Following SFHA guidelines and in order to comply with Performance Standards C4.1 and D3.1, companies with 15 or more employees should be able to demonstrate that they have:

- Equal Opportunities policies and procedures.
- Information on the ethnic origin and gender of the directors and employees of their company.
- Premises accessible to disabled people.
- Targets to redress any under representation amongst their workforce on the grounds of race, gender and disability.
- Details of any past action they may have taken to promote equality of opportunity in the recent past.
- Disciplinary policies to cover acts of discrimination or harassment by their employees to other employees of theirs, or to members of the public.

All service providers, regardless of their number of employees are expected to comply with the goods and services code of practice issued under the DDA.

Contractors and consultants with fewer than 15 employees will be asked to agree to abide by the terms of VHA's Equality and Diversity Policy in all of their operations.

VHA will check contractors' arrangements for identification of staff and other security measures, which is particularly important where contractors are accessing tenants homes.

Appendix D

USEFUL ORGANISATIONS TO CONTACT

Gender

Aberdeen Women's Centre (provides information and support to individual women) Shoe Lane, Aberdeen, AB10 1AL Tel: 01224-625010 Fax: 01224-625777

Equal Opportunities Commission, St Stephen's House, 279 Bath Street Glasgow, G2 Tel: 0141-248-5833 Fax: 0141-248-5834 { [HYPERLINK mailto:Scotland@eoc.org.uk](mailto:Scotland@eoc.org.uk) } Web: { [HYPERLINK http://www.eoc.org.uk](http://www.eoc.org.uk) }

ENGENDER (an information, research and networking organisation for women in Scotland), 13 Gayfield Square, Edinburgh, EH1 3NX Tel: 0131-558-9596 Fax: 0131-557-9650 Web: { [HYPERLINK http://www.engender.org.uk](http://www.engender.org.uk) }

Scottish Women's Aid, Norton Park, 57 Albion Road, Edinburgh, EH7 5QY Tel: 0131-475-2372 Fax: 0131-475-2384

SHAKTI Women's Aid (provides support for black women experiencing domestic violence), 31 Albany Street, Edinburgh, EH1 3QN Tel: 0131-557-4010 Fax: 0131-556-3284

Race

Commission for Racial Equality (Scotland), 45 Hanover Street, Edinburgh, EH2 2PJ Tel: 0131-226-5186 Fax: 0131-226-5243 { [HYPERLINK mailto:cre](mailto:cre) } { [HYPERLINK mailto:edin@freenet.co.uk](mailto:edin@freenet.co.uk) }

Central Scotland REC, Park Street Annex (West), Falkirk, FK1 1 RE Tel: 01324-610950 Fax: 01324-610955 { [HYPERLINK mailto:csrec@btinternet.com](mailto:csrec@btinternet.com) }

ECESA Edinburgh Chinese Elderly Support Association, Contact Ben Yuen, 25 Home Street, Edinburgh, EH3 9JR, 0131 228 5808

Edinburgh & Lothians Racial Equality Council (REC), 14 Forth Street, Edinburgh, EH1 3LH Tel: 0131-556-0441 Fax: 0131-556-8577 { [HYPERLINK mailto:elrec@lreec.demon.co.uk](mailto:elrec@lreec.demon.co.uk) }

Fife REC. 2 Acorn Court, Glenrothes, Fife, KY7 5LZ Tel: 01592-610211 Fax: 01592-610591 { [HYPERLINK mailto:selmar@fiferec.freeseve.co.uk](mailto:selmar@fiferec.freeseve.co.uk) }. uk

Grampian REC, 9a Little Belmont Street, Aberdeen, AB10 1JG Tel: 01224-625895 Fax: 01224-636055 { [HYPERLINK mailto:info@grec.co.uk](mailto:info@grec.co.uk) }

Leith Sikh Community Group, 172 Leith Walk, Edinburgh, EH6 8NT, Tel: 0131 553 4737

Milan Senior Welfare Council, 10 Albert Street, Edinburgh, EH7 5LG (To provide provisions for older people from Indian, Pakistani, Bangladeshi and Mauritian communities in Edinburgh and Lothians which meet their social, cultural, recreational and language needs).

Tayside REC, Arthursstone Library, Arthursstone Terrace, Dundee, DD4 6RT Tel: 01382-454595 Fax: 01382-454564 { [HYPERLINK "mailto:Email:trac@sol.co.uk"](mailto:Email:trac@sol.co.uk) }

West of Scotland Community Relations Council, 115 Wellington Street, Glasgow, G2 2XT Tel: 0141-287-6048 Fax: 0141-287-6054

Home Office Immigration Helpline (Provides information to employers on job seekers right to work). Tel: 0208-649-7878

Positive Action in Housing (PAiH), 98 West George Street, Glasgow, G2 1 PJ
Tel: 0141-353-2220 Fax: 0141-353-3882 { HYPERLINK mailto:home@paih.org }

Positive Action for Training in Housing (PATH) Scotland, 333 Woodlands Road, Glasgow, G3 6NG Tel: 0141-339-2812 Fax: 0141-339-1563

Race Relations Employment Advisory Service (RREAS) (A service set up by the WEE to provide confidential advice and guidance to employers on equality issues). Tel: 0121-244-8141 or 8142 or 8143

Scottish Council for Minorities Rights, PO Box 23203, Edinburgh, EH8 8YG
Tel: 0131-557-6893 Fax: 0131-557-2013. Helpline for those suffering from racial harassment:
Tel: 0800 731 9606

Scottish Refugee Council, 200 Cowgate, Wellgate House Edinburgh, EH1 1NQ
Tel: 0131-225-9994 or 0141-332-8140 Fax: 0131-225-9997
{ HYPERLINK mailto:refugee@scotref.demon.co.uk }

Saheliya, 10 Union Street, Edinburgh, EH1 3LU, Tel/fax: 0131 556 9302
Noha Shrourou

West of Scotland Racial Equality in Housing Forum c/o Alistair McGregor, Queens Cross
Housing Association 788/792 Garscube Road Glasgow, G20 7ET
Tel: 0141-945-3003 Fax: 0141-945-2429

Disability

The Braille Unit, HMP Saughton, Edinburgh, EH11 3LN Tel: 0131-444-3033 Contact: Mr
Alex Richmond (Both large print and Braille - preferably from ASCII disk. Free to
charities but some backlog)

Disability Rights Commission, Riverside House, Gorgie Road Edinburgh, EH11 3AF Tel:
0131-444-4300 Minicom: 0131-444-4302

Disability Scotland, Princes House, 5 Shandwick Place Edinburgh, EH2 4RG Tel: 0131-229-
8632 Fax: 0131-229-8632 { HYPERLINK mailto:enquiries@disabilityscotland.co.uk }

Glasgow Disabled Person's Housing Service, The Centre for Independent Living in Glasgow,
117-127 Brook Street, Glasgow, G40 3AP Tel: 0141-550-4455 Fax: 0141-550-4858 {
HYPERLINK mailto:grant@cilig.co.uk } Web: { HYPERLINK http://glasgowdphs.co.uk }

Lothian Disabled Person's Housing Service, Grant Douglas, Information Officer
12-13 Johnston Terrace Edinburgh, EM 2PW
Tel: 0131-225-7788 Fax: 0131-225-7789 Minicom: 0131-225-7788
{ HYPERLINK mailto:grant@d-p-h-s.demon.co.uk } Web: { HYPERLINK
http://www.d-p-h-s.demon.co.uk }

Makaton Vocabulary Development Project, 31 Firwood Drive, Camberley, Surrey, GU15 3QD
Tel: 01276-61390 Fax: 01276-681368 Web: { HYPERLINK http://www.makaton.org/ }

Renfrewshire Disabled Persons' Housing Service, Hazel McFarlane, Housing Co-ordinator,
8 Collier Street, Johnstone, PA5 8AR

Scottish Accessible Information Forum, c/o Scottish Consumer Council, 100 Queen Street
Glasgow, G11 5AU M Minicom: Tel: 0141-226-8459 { HYPERLINK
mailto:SSC@scotconsumer.org.uk } Web: { HYPERLINK
http://www.connections.gcal.ac.uk/saif/ }

Scottish Braille Press, Craigmillar Park, Edinburgh, EH16 5NB Tel: 0131-662-4445 Web: {
HYPERLINK http://www.Scottish-Braille-Press.org } (Publishes a range of items in Braille: Also
publishes popular paperbacks in Braille, under the series title 'Thistle'. Prices on application).

Scottish Transcription Service, 17 Gullane Street, Glasgow, G11 6AH Tel: 0141-334-5530
(£1.75 per A4 page of 400 words, or £35 per recorded hours, plus E1.20 per tape, £0.20 Braille
label).