

Training session 04

Equality and diversity in social housing

June 2025

These notes are part of a series of 10 training sessions

- 01 Know your social housing rights
- 02 The standards your landlord needs to meet
- 03 Your landlord and the law
- 04 Equality and diversity in social housing
- 05 Your landlord and your money
- 06 Awaab's Law – making your home safer, faster
- 07 Handling your complaints
- 08 Working with your landlord – resident panels
- 09 Running your residents' association
- 10 Access to information (coming soon)

Contents

The Equality Act 2010	3
Protected characteristics	4
Access to housing services	5
Equality and diversity policies	7

The Equality Act 2010

The Equality Act 2010 legally protects people from discrimination. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

Socio-economic inequalities and public sector duty

The Act requires public sector organisations, when making strategic decisions such as deciding priorities and setting objectives, to consider how their decisions might help to reduce the inequalities associated with socio-economic disadvantage. Such inequalities could include inequalities in education, health, housing, crime rates, or other matters associated with socio-economic disadvantage. It is for public bodies subject to the duty to determine which socio-economic inequalities they are in a position to influence.

Key concepts

The Act introduced several key concepts:

- Protected characteristics – outlined in the following section;
- Prohibited conduct – outlining actions that are unlawful relating to:
 - direct discrimination (regarding a single protected characteristic);
 - combined discrimination (regarding multiple protected characteristics);
 - discrimination arising from disability;
 - duty to make adjustments;
 - indirect discrimination;
 - victimisation and harassment.
- Premises and reasonable adjustments – a duty regarding leasehold and commonhold premises and common parts;
- Employment – a duty not to discriminate in various work-based terms or in absence from work regarding gender reassignment;
- Equality of terms – provisions regarding sex equality and alignment of provisions regarding pregnancy and maternity terms;
- Associations – a duty not to discriminate in granting membership or to create differential membership rights, not to harass or victimise members or discriminate against guests.

Public sector equality duty and positive action

Public authorities or those who exercise public function must:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it;
- consider and take account of the different needs of disabled people;
- be aware that compliance may involve treating some people more favourably than others.

Protected characteristics

Prohibited conduct is unlawful with reference to any of the following protected characteristics:

- Age – relating to someone of the same age group whether that is a particular age or range of ages.
- Disability – relating to someone who has a physical or mental impairment, that may have a substantial or long-term adverse effect on their ability to carry out day-to-day activities.
- Gender reassignment – relating to someone who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for reassigning their sex by changing the physiological or other attributes of sex.
- Marriage and civil partnership – relating to someone being married or in a civil partnership.
- Race which includes colour, nationality, ethnic or national origins – relating to someone of a particular racial group.
- Religion or belief which includes any religion, reference to religion or to a lack of religion – relating to someone of a particular religion or belief.
- Sex – relating to someone who is a man or a woman.
- Sexual orientation towards people of the same sex, the opposite sex or either sex – relating to someone of a particular sexual orientation.

Access to housing services

To meet their obligations to provide services in a fair and equitable manner, Registered Providers should consider the following key issues.

Access to premises and employees

Ensuring that residents have appropriate opportunities to access office and service premises and the employees that work within them; this includes making adaptations and other reasonable adjustments as appropriate.

Fair access to housing, lettings and exchanges

Registered Providers have a right to 'dispose of' property which includes letting by way of an occupancy agreement and the resident's rights to sublet or assign that occupancy agreement. Unlawful discrimination includes:

- refusing to let to someone;
- imposing different terms that would apply to someone else;
- treating someone seeking to let a property differently.

The Immigration Act 2014 requires that landlords and agents check the immigration status of prospective tenants; a Registered Provider which only carries out document checks on people based on their colour, ethnic or national origins would be discriminating on the grounds of race.

Provision of services and reasonable adjustments

Registered Providers must not discriminate against, harass or victimise someone who occupies a property that they provide management services to; this includes:

- prohibiting or allowing them to use a facility or benefit;
- evicting or taking steps to evict them;
- subjecting them to any other detriment.

Registered Providers, or those that let or manage properties on their behalf, should make reasonable adjustments to prevent a substantial disadvantage to a disabled person caused by the provision, terms or provisions (including those of tenancy agreements) or the lack of an appropriate aid.

Failure to comply with the duty to make reasonable adjustments is discrimination; this does not include a requirement to make an alteration or removal of a physical feature.

Positive action

The Act allows 'positive action' to tackle disadvantage faced by people of a particular protected characteristic, even if that would disadvantage people of another protected characteristic. Positive action is justifiable if it is proportionate and is not the same as positive discrimination which is unlawful; such positive action can extend beyond resident actions to include procedures for employment and appointment of contractors and service providers.

Adaptations

The Regulator of Social Housing requires through the Safety and Quality Standard that Registered Providers must assist tenants seeking housing adaptations to access appropriate services. They should meet this requirement by:

- clearly communicating to tenants and relevant organisations how they will assist tenants seeking housing adaptations services; and
- co-operate with tenants, appropriate local authority departments and other relevant organisations so that a housing adaptations service is available to tenants where appropriate.

Resident involvement options, processes and structures

Registered Providers and those who manage, support and arrange resident involvement structures should be aware of the duties relating to Associations.

The Regulator of Social Housing requires through the Transparency, Influence and Accountability Standard that Registered Providers must:

- take residents' views into account in their decision-making about how services are delivered and communicate how their views have been considered;
- communicate with residents and provide information so they can access and use services, understand what to expect from their landlord, and hold their landlord to account;
- must collect and provide information to support effective scrutiny by residents of their landlord's performance in delivering services.

These actions should provide residents with a wide range of meaningful opportunities to influence and scrutinise strategies, policies and services. In providing that range of opportunities, Registered Providers should assist residents who wish to implement resident-led activities and provide accessible support that meets the diverse needs of residents so they can engage with those opportunities.

Profiling and tailoring services

Registered Providers, working with their residents, must regularly consider ways to improve and tailor their approach to delivering services including tenant engagement; they must implement changes as appropriate to ensure services deliver the intended aims. In considering such matters, Registered Providers need to build an accurate knowledge base of who their residents are; this is often referred to as profiling.

Barriers to access and involvement

Registered Providers should take positive action to remove any direct or indirect barriers to residents:

- accessing housing services;
- accessing housing or exercising their rights to sublet or assign their occupancy agreements;
- access resident involvement or engagement processes and structures.

Equality and diversity policies

Registered Providers need to consider how the public sector duty applies to them and ensure that their policies and processes are appropriate to the type of organisation that they are and that of any third-party managing agent.

Equality and diversity policies should be developed with resident input and should cover as a minimum:

- A clear policy statement outlining the Registered Provider's legal responsibilities, its commitments and how it will achieve a range of outcomes through the application of its policy;
- Prohibited conduct – outlining how the organisation will tackle and prevent discrimination and unfair terms;
- Anti-social behaviour and hate incidents – in accordance with the requirements of the Regulator of Social Housing's Neighbourhood and Community Standard, how the organisation will work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle anti-social behaviour and hate incidents in the neighbourhoods where they provide social housing;
- Disability and reasonable adjustments – outlining how the organisation will identify and respond to the needs of disabled residents and make any reasonable adjustments;
- Recruitment and selection – outlining how the organisation will ensure that procedures and processes for recruiting staff members and selecting tenants will be non-discriminatory and any positive action they will take to ensure equitable outcomes;
- Complaints handling – outlining how the organisation's Complaints Policy and procedures will meet the accessibility and awareness requirements of the Housing Ombudsman's Complaints Handling Code;
- Training and development – outlining the organisation's commitment to staff development and training regarding equality, diversity and inclusion;
- Resident representation and voice – outlining how the organisation will ensure that all residents have opportunities to shape strategies and services and have their voice heard;
- Monitoring and reporting – outlining how the organisation will collect relevant performance data and monitor outcomes and how it will report on the implementation of its Equality and Diversity Policy to its governing body and residents.