



Regulator of
Social Housing

Consultation on equality objectives

January 2020



OFFICIAL

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Foreword

The Regulator of Social Housing became a separate body in October 2018 and following a transition period to a standalone entity the Board resolved to consider its equality objectives.

We have set out in this consultation three proposed equality objectives. These focus on the point at which we interact with tenants and the public; how we communicate; and the culture we are creating as a new organisation. In our view these objectives send a clear message about what we plan to do as a public sector body in relation to our work on equalities.

In arriving at our proposed objectives, we have been mindful of both our statutory obligation to be proportionate and not to inappropriately increase the regulatory burden as well as how we meet our general equality duties in our day to day work. We have taken both these into account alongside our well established co-regulatory approach to regulating the sector for which we are responsible.

We believe these objectives provide a good foundation for our work on equalities and the Board and Executive will regularly review our progress against them.

We are launching this consultation to seek feedback from the sector, and any other interested stakeholders. We welcome your views on our proposed objectives and following this consultation we will publish our response and our finalised equality objectives.

**Simon Dow, Interim Chair
Regulator of Social Housing**

1. Scope of the consultation

Topic of this consultation	The Regulator of Social Housing is consulting on a set of proposed equality objectives to meet the requirement to agree and publish such objectives under Section 149 of the Equality Act 2010.
Scope of this consultation	It is not a requirement to consult on equality objectives under either the Equality Act or the Housing and Regeneration Act (which requires us to consult when setting a regulatory standard). However, we are doing so as a matter of good practice. It represents an opportunity for any interested persons and organisations to influence the final equality objectives we set.
Geographical scope	These proposals relate to England only

2. Basic information

To	Private registered providers, local authority registered providers, tenants, lenders and other stakeholders who have an interest in social housing
Body responsible for the consultation	The Regulator of Social Housing
Duration	This consultation will last for eight weeks from 30 January 2020. The closing date is 26 March 2020.
Enquiries	For any enquiries about the consultation please contact our Referrals and Regulatory Enquiries team on 0300 124 5225 or enquiries@rsh.gov.uk who will be pleased to help.

3. How to respond

- 3.1 Please respond online via SurveyMonkey¹:
<https://www.surveymonkey.co.uk/r/RSHEqualityobjectives>
- 3.2 Please be aware that unless you complete the survey and click on the 'submit' button your response will not be registered as a completed return. However, incomplete responses will be seen by the regulator and will be reviewed to determine whether they raise any new issues which it would be relevant for the regulator to consider.
- 3.3 If for any reason you are unable to complete a response on Survey Monkey you can email your response to the questions in this consultation to: consultation@rsh.gov.uk or write to the regulator at the address set out below.
- 3.4 Please include “**Equality objectives**” as your subject heading.
- 3.5 Written responses can be sent to:
- Referrals and Regulatory Enquiries team**
Regulator of Social Housing
1st Floor – Lateral
8 City Walk
Leeds LS11 9AT
- 3.6 If you are responding in writing or by email, please make it clear which questions you are responding to. When you reply it would also be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.
- 3.7 Please include:
- your name
 - your position (if applicable)
 - the name of organisation (if applicable)
 - an address (including post code)
 - an email address, and
 - a contact telephone number.

¹ Survey Monkey is an international company based in the USA and any data entered on their platform is stored and located in the USA and countries in which their affiliates are located and in which their service providers are located or have servers. You can obtain full details of their [Security Statement](#) and [Privacy Policy](#) in relation to the data they hold on their site.

- 3.8 Representative groups are asked to give a summary of the people and organisations they represent and (where relevant) who else they have consulted in reaching their conclusions when they respond.
- 3.9 We intend to publish an analysis of all formal responses after the closing date of this consultation. This will include a list of all respondents to the consultation and anonymised responses. Individual responses will not be acknowledged unless specifically requested.
- 3.10 If you would like this consultation in an alternative format, please contact us using any of the contact details above.

Equalities statement

- 3.11 The regulator is mindful of its statutory equality duties under section 149 of the Equality Act 2010. The regulator will take a proportionate approach to its equality obligations and has identified no equalities implications for this consultation. However, based on responses to this consultation, the regulator reserves the right to revisit these matters if new information comes to light.
- 3.12 Regulation 5 of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, requires the regulator to publish one or more equality objectives. In preparing the proposed objectives the regulator has:
- had regard to guidance issued by the Equality and Human Rights Commission² (the guidance)
 - considered its employees and protected characteristics within the organisation
 - reviewed published equality information relating to the social housing sector
 - given consideration to the public function it performs and the people (particularly in respect of protected characteristics) who might be affected by the exercise of its function.
- 3.13 Although there is no formal requirement to carry out a consultation on the proposed equality objectives the regulator has chosen to do so.
- 3.14 This is a consultation on draft equality objectives which we have designed in order to meet one of our specific legislative equality duties. We have had due regard to our statutory equality duties as an integral part of preparing these draft objectives.

² https://www.equalityhumanrights.com/sites/default/files/equality_objectives_and_the_equality_duty.pdf

4. Executive summary

- 4.1 The Equality Act 2010 requires all public bodies to publish equality objectives it thinks it should achieve to meet the general equality duty.
- 4.2 The regulator is now consulting on the proposed equality objectives set out in Annex 1 as well as details of how they will be delivered. The proposed objectives relate to:
- i. How we deal with equality and diversity concerns raised through our enquiries process;
 - ii. Reviewing our methods of communication to ensure they are inclusive; and
 - iii. Providing a supportive and inclusive working environment.
- 4.3 This consultation sets out the approach the regulator took to preparing the proposed objectives and invites feedback on the proposals.
- 4.4 Responses to this consultation must be received by **26 March 2020** in order for the regulator to consider them.

5. Introduction

- 5.1 Section 149 of the Equality Act 2010 (the Act) sets out the Public Sector Equality Duty (also known as the general equality duty) which, in summary, places a duty on public bodies to have due regard in exercising their functions to the need to:
- i. eliminate discrimination, harassment, and victimisation
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.2 The general equality duty was developed to harmonise the previous equality duties regarding race, disability and gender equality, and to extend across all of the protected characteristics under the Equality Act 2010.
- 5.3 The nine protected characteristics are:
- i. age
 - ii. disability
 - iii. gender reassignment
 - iv. pregnancy and maternity
 - v. race
 - vi. religion or belief
 - vii. sex
 - viii. sexual orientation
 - ix. marriage and civil partnership (in relation to being treated differently at work).
- 5.4 In order to support the aims and objectives of the general duty, the Regulations set out specific duties (specific duty) one of which requires all identified public authorities (which includes the regulator) to *prepare and publish one or more specific and measurable equality objectives it thinks it should achieve to meet the general equality duty*.

6. Setting our first equality objectives

- 6.1 On 1 October 2018 the Regulator of Social Housing was established as a standalone organisation, independent of the Homes and Communities Agency (HCA)³. Prior to that date the regulator's functions were carried out by the HCA's Regulation Committee, established through the Localism Act 2011, independently to the Agency's other functions.
- 6.2 The development of equalities objectives for the regulator was discussed during the transition from the HCA, but it was agreed that it would be more appropriate for this work to be undertaken once the organisation had established itself as a standalone entity.
- 6.3 The regulator routinely considers how it can achieve the aims of the general duty in its day to day work. In determining applications for registration, the regulator has due regard to its duties under the Equalities Act. In carrying out its consumer regulation work the regulator expects registered providers to demonstrate how they understand the different needs of their tenants (including in relation to equality) and the regulator also has due regard to its equality duties in carrying out its consumer regulation work.
- 6.4 This consultation is on the specific requirement to set objectives that the regulator thinks it should achieve in compliance with the specific duty.
- 6.5 The guidance is useful in explaining how public authorities should approach the task of identifying, setting and publishing their equality objectives. It states:
"The purpose of setting specific, measurable equality objectives is to help listed authorities to better perform the general equality duty, focusing on the outcomes to be achieved. Equality objectives help focus attention on the priority equality issues within an organisation in order to deliver improvements in policy making, service delivery and employment, including resource allocation."
- 6.6 A proportionate approach should be adopted in setting objectives. The guidance acknowledges that the number of objectives set and the level of ambition will differ depending on the size and role of an organisation and "the relevance of equality and good relations to what your organisation does." We consider it reasonable to conclude that for a new organisation such as the regulator, it would be proportionate to initially set relatively modest but relevant objectives.

³ The Homes and Communities Agency has adopted the trading name Homes England

- 6.7 As set out in the Housing and Regeneration Act 2008 the regulator is also subject to its own statutory objectives and a duty to:
“...exercise its functions in a way that—
- i. *minimises interference, and*
 - ii. *(so far as is possible) is proportionate, consistent, transparent and accountable.”*
- 6.8 Accordingly, we have been mindful of the importance of not inappropriately increasing the regulatory burden on providers, or drafting objectives that would not fit with our co-regulatory approach.
- 6.9 In preparing objectives, the guidance advises the following:
- i. Objectives should be seen as part of the business plan and support its delivery
 - ii. There should be a clear understanding of the needs of employees and service users and the issues they face related to their protected characteristics. “A clear link between your objectives and your published equality information will enable you to be more transparent”;
 - iii. The equality information held by the organisation will help it to identify its main equality challenges;
 - iv. They should be designed to achieve improvements in service delivery, or the way you employ staff; and
 - v. Objectives should be based on robust information and evidence of need, rather than merely being a collection of ideas from colleagues across the organisation.
- 6.10 The regulator performs a regulatory function rather than providing services. Whilst tenants may engage with the regulator, this is solely in relation to the regulation of their registered provider landlord (where there may be evidence of a failure to meet a consumer standard), as opposed to the regulator delivering a service to tenants. However, in preparing draft objectives we have looked at the points we interact with tenants as this is an area we are likely be able to have more impact.
- 6.11 Since the regulator has only been established as a standalone body relatively recently it may be that over time, we identify further areas which would benefit from setting equalities objectives. It is therefore proposed to set short to medium term objectives and, if necessary, review these within the mandatory four-year period. We will also keep these under review if our role changes.

7. Proposed objectives

- 7.1 Taking into account the principles highlighted above we have drafted a set of three equality objectives. These are set out in full at Annex 1, with an explanation of how they link to specific parts of the general duty and how they can be delivered. In line with guidance the objectives have been drafted to be achievable whilst also requiring us to take additional steps beyond what we currently do.
- 7.2 After careful consideration it was considered appropriate for our first equalities objectives to focus on areas where we can have the most immediate impact, namely:
- i. the point we interact with tenants, and
 - ii. the organisational culture we create.

Interaction with tenants

- 7.3 There is a variety of information in the public domain in relation to the demographics of tenants of social housing within England (figures shown below are for both local authority and private registered providers). To aid with preparing the draft objectives we considered evidence which shows that:
- i. the majority of tenants within the sector are likely to be White British (Asian households constitute a lower proportion and Black households a higher proportion of new social housing lettings when compared to their respective percentage make up within the English population)⁴;
 - ii. those aged over 65 account for 27% of the social rented sector⁵ – the most prevalent age group in the sector. Projections on demographic change within England estimate that there will be a significant growth in the over 65's age group within the next 20 years;
 - iii. half of all households housed in social housing have at least one member with a long-term illness or disability⁶.

⁴ MHCLG Statistical Release on Social Housing Lettings 2017 – 2018
<https://www.gov.uk/government/statistics/social-housing-lettings-in-england-april-2017-to-march-2018>

⁵ MHCLG English Housing Survey: Social Rented Sector 2017 – 2018
<https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-social-rented-sector>

⁶ Ibid

- 7.4 The regulator's interaction with tenants is generally in relation to a tenant raising a complaint about their registered provider landlord, which we consider in respect of compliance with our standards. At times the complaints raise equality-related issues to be considered by the regulator, although such issues are most likely to be about the registered provider's practices, rather than those of the regulator.
- 7.5 Accordingly, the proposed Objective 1 relates to how, as regulator, we interact with tenants, and others, through the enquiries process.

Proposed Objective 1: Ensure that where equality and diversity concerns are raised through our enquiries process they are considered in line with our statutory objectives.

- 7.6 Objective 2 builds on this by dealing with our publications, which are the other main way in which we interact with tenants.

Proposed Objective 2: The regulator will review its methods of communicating to ensure that it does so in an inclusive way.

Organisational culture

- 7.7 As a relatively newly formed organisation it is important to ensure that we have a culture that provides a supportive and inclusive working environment. Work is already underway to improve the completeness of equalities data we hold for staff. This will enable us to better understand the current position and to identify longer-term objectives. Work is also being carried out to establish the equality and diversity position at recruitment to understand more about applicants and successful candidates.
- 7.8 Whilst we are under no requirement to publish a gender pay gap report (the threshold is 250 employees), we have decided that we will do so as a matter of good practice. This will also help with setting longer-term objectives. Work on the ethnicity pay gap is dependent on ensuring a robust evidence base so, on balance, we believe this would be better placed as a longer-term objective.
- 7.9 We have decided to propose draft Objective 3, which is focussed on ensuring that we have an inclusive working environment.

Proposed Objective 3: We will provide a supportive and inclusive working environment for all.

- 7.10 Further details on our proposed objectives, including how they will be delivered, are in Annex 1.

Consultation question 1: Do you agree the proposed objectives meet our obligations under the Equality Act?

Consultation question 2: Do you agree that we have identified appropriate activity to help achieve the overall objective?

Consultation question 3: Have you got any other comments on our consultation?

- 7.11 We will keep under review whether there are other functions which would benefit from setting an equalities objective. After careful consideration we are not proposing a specific equality objective relating to our economic regulation activities, but this will be kept under review. We do not have a remit to directly regulate equality and diversity in the organisations we regulate and need to be mindful of our duty to minimise interference. However, in preparing our regulatory standards and developing regulatory processes we consider equality and diversity implications. Additionally, we also think it relevant that our economic regulation seeks to ensure that the organisations that own and manage tenant homes are well run and financially secure thereby providing a level of protection to all tenants irrespective of protected characteristics.
- 7.12 As mentioned above, we are mindful of our obligations to be proportionate and take care not to inappropriately increase regulatory burdens. However, one area in which providers could potentially better understand and meet the needs of tenants with protected characteristics is through better data and improved understanding of the makeup of their tenant populations, and of their housing stock, including individual property adaptations. Through our annual Sector risk profile⁷ we identify the quality of this data as an area the sector should be mindful of, and will continue to send appropriate signals in this regard.
- 7.13 We will reconsider our position in relation to equality objectives should our remit in relation to consumer regulation change as a result of the Social Housing White Paper.

⁷ <https://www.gov.uk/government/collections/sector-risk-profiles>

8. About this consultation

- 8.1 This consultation document and the consultation process have been developed to adhere to the consultation principles issued by the Cabinet Office.
- 8.2 In their response, representative groups are asked to give a summary of the people and organisations they represent, and where relevant, who else they have consulted with in reaching their conclusions.
- 8.3 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).
- 8.4 If you want the information you provide to be treated as confidential, please be aware that, under the Freedom of Information Act there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the regulator.
- 8.5 The regulator will process your personal data in accordance with the Data Protection Act and the General Data Protection Regulation. In the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
- 8.6 Individual responses will not be acknowledged unless specifically requested.
- 8.7 Thank you for taking the time to read this document and respond. Your opinions are valuable to us.

Annex 1: Proposed equality objectives

Proposed objective	What part of the duty does it meet? ⁸	How will it be delivered?
<p>1. Ensure that where equality and diversity concerns are raised through our enquiries process they are considered in line with our statutory objectives.</p>	<p>a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act</p> <p>c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>	<p>Delivered by:</p> <ul style="list-style-type: none"> i. ensuring that our enquiries team and staff who handle complaints receive training on discrimination, harassment and equality legislation ii. ensuring that complaints with an equality, diversity or inclusion (EDI) dimension are properly recorded and dealt with in accordance with our consumer regulation guidance iii. ensuring that our annual report on consumer regulation includes any lessons learned from discrimination cases and enquiries iv. investigating technological solutions to improve collation and analysis of EDI data arising from enquiries.
<p>2. The regulator will review its methods of communicating to ensure that it does so in an inclusive way.</p>	<p>b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it</p> <p>c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>	<p>Delivered by:</p> <ul style="list-style-type: none"> i. training for staff on accessible communication skills (particularly around mental health and learning disabilities) ii. ensuring that the regulator's publications are as accessible as possible iii. ensuring that our communications, such as responses to enquiries, meets the individual's communication needs where reasonable iv. proactively engaging with the Government Digital Service about what changes can be made to our website to make it as accessible as possible.

⁸ The numbering in this column is not sequential as it mirrors clauses in the Act

Proposed objective	What part of the duty does it meet? ⁹	How will it be delivered?
<p>3. We will provide a supportive and inclusive working environment for all.</p>	<p>b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>	<p>Delivered by:</p> <ul style="list-style-type: none"> i. collating data on gender pay to establish our gender pay gap. Data to be collected and published in accordance with the regulator’s People Strategy ii. improving the collation of equality and diversity data in order to identify barriers to underrepresented groups to recruitment and progression within the regulator’s workforce iii. using data to inform how the regulator embeds equality and diversity into its approach to developing policies and/or strategies for staff to support continuous improvement iv. using data to review how effective the policies we have in place are at delivering the desired outcomes v. carrying out learning and development activity to further foster an inclusive working environment; vi. actively promoting equality, diversity and inclusion in the workplace.

⁹ The numbering in this column is not sequential as it mirrors clauses in the Act

Annex 2: Key legislative provisions

1. By virtue of Part 2 of the Schedule to the Legislative Reform (Regulator of Social Housing) (England) Order 2018 (the LRO), the following apply to the Regulator of Social Housing (RSH):
 - Section 149 of the Equality Act 2010
 - Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353) (the 2017 regulations).
2. These legislative requirements are known as the general duty (or public sector equality duty) and the specific duty. They provide as follows:

The General Duty

*In the exercise of their functions, **public authorities** in England, Scotland and Wales must have due regard to the need to:*

- a. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA2010
- b. **advance** equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c. **foster** good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Specific Duties

Publish equality information: Public authorities (over 150 employees) to publish information annually to demonstrate compliance with the general equality duty. This information shall include information relating to people with protected characteristics who are:

- employees
- affected by its policies and practices.

Prepare and publish equality objectives: Public authorities to prepare and publish one or more specific and measurable equality objectives it thinks it should achieve to meet the general equality duty.



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or write to:

Regulator of Social Housing

1st floor – Lateral

8 City Walk

Leeds LS11 9AT

RSH regulates private registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.