



Regulator of
Social Housing

Consultation on Equality objectives

Decision Statement

July 2020



OFFICIAL

Contents

1.	Introduction	1
2.	Overview	2
3.	General points about the consultation responses	3
4.	Analysis of responses to individual questions	4
5.	The Regulator's response to the consultation feedback – Final position on the Equality objectives	15
	Annex 1: List of respondents to the consultation on the Equality objectives	17
	Annex 2: Equality objectives	18

1. Introduction

- 1.1 The Regulator of Social Housing (RSH) published a consultation on our draft Equality Objectives on 30 January 2020. The consultation closed on 26 March 2020.
- 1.2 Although there is no formal requirement to consult publicly on the proposed equality objectives, the regulator chose to do so on this occasion to give individuals and organisations the opportunity to influence the first equality objectives that we will set.
- 1.3 This document provides a summary of the key areas of feedback and sets out the regulator's decision on the final equality objectives. This document is not intended to be an exhaustive exploration of all responses received (all of which have been taken into account in reaching the conclusions set out in this Decision Statement), but a summary of the key issues and comments made. A list of respondents is provided in Annex 1.

2. Overview

- 2.1 The Equality Act 2010 requires all public bodies to publish equality objectives it thinks it should achieve to meet the general equality duty.
- 2.2 In preparing the equality objectives the regulator has:
- had regard to legislation and the guidance issued by the Equality and Human Rights Commission
 - considered its staff and the protected characteristics represented within the organisation
 - reviewed published equality information relating to the social housing sector
 - considered the public function it performs and the people (particularly in respect of protected characteristics) who might be affected by the exercise of our function.
- 2.3 The equality objectives have been developed in relation to those areas where we can currently have the most impact, namely:
- i) how we deal with equality, diversity and inclusion (EDI) concerns raised through our enquiries process
 - ii) reviewing our methods of communication to ensure they are inclusive
 - iii) providing a supportive and inclusive working environment.
- 2.4 Since the regulator has only been established as a standalone body relatively recently, we may identify further areas which would benefit from setting equalities objectives in the future. This set of equality objectives have therefore been designed as short-to medium-term objectives. If appropriate, we will review these earlier than the mandatory four-year period and/or if our role changes significantly.
- 2.5 The consultation was made available to the public in general via the regulator's web pages; publicised on our social media feeds and raised at our regular stakeholder events.

3. General points about the consultation responses

- 3.1 A total of 22 responses were received, 17 online (via Survey Monkey) and five in writing (one via email and four that submitted a formal response document). Of note, one of the written responses was also submitted via Survey Monkey i.e. it was a duplicate), taking the total number of responses for consideration down to 21.
- 3.2 One email response did not answer any of the questions raised in the consultation, but rather made a general request that we give careful consideration to the impact of our equality objectives upon blocks of flats and estates that are managed collectively and governed by legislation in the leasehold sector. As this did not strictly relate to the consultation questions, we have not included it within the quantitative analysis below.
- 3.3 Of the 20 responses analysed:
- 12 (60%) responses were from private registered providers
 - 3 (15%) responses were from trade or representative bodies
 - 1 (5%) response was from a policy and research organisation
 - 1 (5%) response was from an unknown organisation
 - 3 responses (15%) were from individuals.

4. Analysis of responses to individual questions¹

Question 1

4.1 All 20 respondents provided a response to this question.

Table 1: Overview of responses to Question 1

Question 1 - overview	Yes	Yes%	No	No%	Other	Other %
Do you agree the proposed objectives meet our obligations under the Equality Act?	16	80%	0	0%	4	20%

Issues raised by the response to Question 1

4.2 The overall response to this question was very positive with no respondents disagreeing that the proposed equality objectives would meet our obligations under the Equality Act. Four (20%) respondents answered ‘other’ to this question, three of which gave their reasoning for this answer through the qualifying comments set out below:

Comment	RSH response
<i>“Whilst the objectives seem reasonable, some of the activity (how will it be delivered?) is very vague so objectives have little chance of being delivered.”</i>	We do not agree that the proposed objectives have little chance of being delivered. However, we have taken the feedback from this consultation into account and have strengthened some wording to make the objectives even more explicit (see section 4.5).
<i>“In part... its delivery plan does not explicitly address the regulator’s obligation to eliminate discrimination, harassment, victimisation and other prohibited conduct in respect of its internal working practices.”</i>	RSH takes its duties under the Equalities Act 2010 very seriously and understands its obligations. The delivery plan sets out our high-level actions for the year ahead. It does not include all the activity the regulator takes or intends to take in the discharge of the public sector equality duty.

¹ The percentages are of the number of respondents who answered the particular question (i.e. they did not leave it blank), rather than on the total number of respondents.

	<p>The proposed objectives represent explicit measures we intend to take in fulfilment of our overall obligations.</p>
<p>One respondent suggested that equality activity needs embedding across a broad range of services and functions, aligning it with organisational, local and regional priorities. One way to achieve this could be to “<i>strengthen the Governance standard</i>” to ensure that registered providers improve Board diversity, demonstrate how public equality duties are met and address inequalities in their neighbourhood and communities.</p>	<p>The consultation document set out that we did not intend to use the launch of our equality objectives to impose additional regulatory requirements on registered providers and explained the rationale for that approach.</p>

4.3 Some of those that answered “Yes” also provided additional clarification and recommendations for improving the proposed objectives, as summarised below:

Comment	RSH response
<p><i>“...objective 1 could be made more explicit... and should differentiate between the equality profile of the complainant and whether the complaint is about an equality issue.”</i></p>	<p>Our focus in this objective is on the nature of the EDI issue raised through the complaint rather than the complainant’s profile. We have considered the wording of the objective and do not consider that the wording needs to change at this stage. However, where practicable we will seek to make the differentiation clear in any reporting on progress against the objective, and as stated elsewhere we will keep this issue under review.</p>
<p><i>“...the proposed equalities do meet your obligations as set out under the Equality Act. However, going beyond compliance is an important role for the regulator and should be regarded as ‘a matter of good practice... taking steps to promote a beyond compliance framework to stakeholders and back to Government”</i></p>	<p>We consider that our proposed objectives represent an appropriate and proportionate approach at this point in time. The objectives have been drafted taking into account: the recent formation of the regulator, the evidence base we currently have, and our scope and purpose. As set out in the consultation document we will revisit the objectives as we become more established as an organisation.</p>

Question 2

4.4 All 20 respondents provided a response to this question.

Table 2: Overview of responses to Question 2

Question 2 - overview	Yes	Yes %	No	No %	Other	Other %
Do you agree that we have identified appropriate activity to help achieve the overall objective?	14	70%	1	5%	5	25%

Issues raised by the response to Question 2

4.5 The response to this question was also positive with only 1 (5%) respondent disagreeing with the question and a further 5 (25%) answering ‘other’. These respondents, as well as several that answered ‘yes’ also made numerous suggestions for further activity to consider, to help the regulator achieve the objectives. These are summarised below:

Objective	Suggestions from respondents	RSH response
<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>Specialist training for enquiries and complaints staff to cover specific EDI issues, harassment and discrimination faced by groups with protected characteristics.</p>	<p>We will explore this as part of our Learning and Development (L&D) programme.</p>
	<p>Clarify whether data will be segregated to allow for monitoring complaints relating to different protected characteristics.</p>	<p>We may consider this as a medium to long-term objective in order to expand our data capture capabilities.</p>
	<p>Clarify how complaints will be identified and assessed if they have an EDI dimension that has not been made clear by the complainant. It should be made clear if it is only the obvious ones that are recorded and dealt with.</p>	<p>We rarely receive EDI-related complaints without the EDI issue explicitly featuring in the complainant’s referral. Should an EDI dimension become apparent without it being made clear by the complainant, we will consider it in line with our normal process. Where possible, we will highlight any learning on this in our annual consumer regulation review publication to clarify how these issues are identified and addressed.</p> <p>As part of meeting this objective we intend for those dealing with referrals to go on EDI training which will help with identifying EDI issues when they are not immediately apparent.</p>

Objective	Suggestions from respondents	RSH response
	<p>Clarify how positive outcomes for customers and any learning from complaints/ good practice will be demonstrated.</p>	<p>An annual review is taken as part of our annual consumer regulation review publication and it highlights key outcomes and learning.</p>
	<p>Differentiate between the profile of the people making the complaint and the issues being raised.</p>	<p>At this stage we intend to capture the equality issues being raised. We will consider differentiation as part of our medium to long-term action planning as we establish our baseline and set up our systems to capture more detailed levels of data.</p>
	<p>Collect robust data on the demography of people using the enquiries process to compare against the demography of residents to see where exclusion is taking place (focus as much on who is <i>not</i> accessing enquiry services as who <i>is</i>).</p>	<p>Given the resource-intensive nature of collecting this level of data, it is not considered to be proportionate to implement this suggestion at this stage. This may be considered as a medium to long-term action as the robustness of our data capture capabilities develop.</p>
<p>2. The regulator will review its methods of communicating to ensure that it does so in an inclusive way.</p>	<p>Clarify terms of reference for the communication review and the strategy for identifying accessibility requirements that are relevant to the communities we serve.</p>	<p>We will review our methods of communicating to establish whether there are general adjustments which will benefit, in aggregate, our engagement with stakeholders. We do not at this stage have any formal terms of reference for this review, as we anticipate it will evolve over the lifetime of the objectives. Otherwise in making reasonable adjustments where those are requested, we will consider all requests, and will seek to accommodate those wherever it is reasonable to do so.</p>

Objective	Suggestions from respondents	RSH response
	<p>Clearly state that services are welcoming of LGBT people in all communications.</p>	<p>We are a regulator rather than a service provider (we carry out a public function). We take our public sector equality duties seriously and do not discriminate in any respect when dealing with the public. We will continue to consider further how we can ensure we clearly message this for all protected characteristics.</p>
	<p>Enhance website accessibility to persons with disabilities such as having large font options.</p>	<p>As a public body we use the Government Digital Service (GDS). We have set out in our action plan that we will work with GDS to identify any changes which can be made to our website to make it as accessible as possible.</p>
	<p>Set out clearly defined targets to localise communications and measure the success of them.</p>	<p>Given our national remit, our communications are aimed at the national level; we do not believe it would be practical for us to nuance communications at a more local level. However, as part of the duty to make reasonable adjustments we will make adjustments where it is reasonable to do so.</p>
	<p>Language barriers and access, skills, confidence and trust need to be factored into the review.</p>	<p>We may in some cases be able to provide alternative formats upon request to address language barriers, where this is reasonable and proportionate. We have explained our approach to protected characteristics including disability. However, skills, confidence and trust are not protected characteristics. In reviewing our communications to ensure that they are inclusive where possible, our aim is to build confidence and trust in general.</p>

Objective	Suggestions from respondents	RSH response
<p>3. We will provide a supportive and inclusive working environment for all.</p>	<p>More detail needed on specific activity and practical actions that will be taken (what EDI data will be used for, specific L&D activity to be delivered, the role of senior management, what staff will do to influence the organisational culture).</p>	<p>The priority action to support the delivery of our equality objectives is to establish our baseline. As we compile and analyse baseline data, we will use this to identify what specific actions we might usefully take in future, and to inform action plans going forward.</p>
	<p>Pioneer initiatives designed to address discrimination at all stages of recruitment, retention and promotion.</p>	<p>Our equality objectives are about what we are aiming to improve, but we are already very aware of our legal obligations and take steps to discharge them. For example blind applications/ shortlisting has been in place for some time. Mandatory unconscious bias training is in place and we aim to ensure diverse recruitment panels.</p> <p>Establishing robust and reliable baseline data is our initial priority, in order to identify any issues and at which stages of the recruitment process they may occur so that targeted action plans to address them can be developed. This work is underway and will inform our action planning.</p>
	<p>Include non-binary identities in the publication of gender pay gap data.</p>	<p>Our first gender pay gap report as a standalone body was published in March 2020. We will consider including non-binary identities as a medium to long-term action, but currently we do not have the data capture tools to do this.</p>

Objective	Suggestions from respondents	RSH response
	<p>Set ethnicity pay gap as a medium-term objective rather than long-term to assess the intersectionality between race and gender protected characteristics.</p>	<p>The data currently held on the ethnicity pay gap is not as complete as our gender pay gap data. As such, the priority action will be to establish a robust baseline of data which will inform further action planning. Once this has been established, we will be in a more informed position to be able to set appropriate and realistic time-bound objectives. This may mean that we are able to carry this out in the medium term but will consider this once we have suitably robust baseline data.</p>
	<p>Establish an Equality and Diversity Advisory Group to lead on defining policy, promoting and progressing initiatives led by a director with colleagues from various departments and positions across the organisation.</p>	<p>We do not consider a separate group to be appropriate or proportionate given the size of our organisation and our Board consider that could dilute accountability. Our Board have requested quarterly reporting on equality, and through this we will cover the range of work we are undertaking across our objectives and other areas of our People Strategy work.</p>
	<p>Mandatory training on unconscious bias, discrimination, harassment and equality legislation for all staff (not just for the enquiries team).</p>	<p>Our 2020/21 Learning and Development Plan makes unconscious bias training mandatory for all staff. Bullying and harassment training is already part of our mandatory L&D programme, and we will consider how we can further incorporate discrimination and equality legislation into this.</p>

Objective	Suggestions from respondents	RSH response
	<p>Consider the diversity of the Board and whether it is representative of the communities it serves.</p>	<p>Membership and recruitment to the Board is undertaken by MHCLG Recruitments take account of the range of Board skills needed, and recent recruitment campaigns have emphasised the need for diversity at Board level. We anticipate that future recruitment rounds will also do so, and will aim to highlight the opportunities to attract a diverse range of candidates.</p>
	<p>Consider the process by which the equality objectives will be monitored, and the impact of the actions measured.</p>	<p>This is a broader operational point that goes beyond this particular objective and will be considered as part of the overall delivery and monitoring of our equality objectives.</p>
	<p>Stronger emphasis on the importance of intersectional data collection and develop guidance on how data collected should be analysed, published and used to improve organisational equalities culture.</p>	<p>We will give the intersectionality of data due consideration as we establish our baseline and improve upon the range and detail of internal data collected. This will be used to inform improvements in our organisational equalities culture and internal communications in the medium to long-term once available.</p>
	<p>Ensure wording reflects advancing equality of opportunity and good relations amongst <i>all</i> groups not just under-represented ones.</p>	<p>While we acknowledge the importance of advancing equality of opportunity and good relations amongst all groups, we consider the reference to under-represented groups to be appropriate in these circumstances as it was in connection to barriers to recruitment and progression.</p>

Question 3

4.6 All 20 respondents provided a response to this question.

Table 3: Overview of responses to Question 3

Question 3 - overview	Yes	Yes %	No	No %
Have you got any other comments on our consultation?	14	70%	6	30%

Issues raised by the response to Question 3

4.7 Question 3 differed from other questions as it did not ask for any agreement and instead asked for any further comments. 14 (70%) respondents to question 3 provided additional comments.

4.8 As with the previous questions, the majority of the comments were positive, commending the regulator for undertaking the consultation. One respondent noted that residents should have been consulted to ensure diversity in responses. The consultation was public, published on our website and promoted via our social media channels and stakeholder engagement programme and anyone was able to respond. Furthermore, the consultation document was provided to those tenant representative groups with whom we meet regularly. A number of respondents also requested that the results be published, which they will be.

4.9 Several recommendations to strengthen the equality objectives even further were made, including:

- ensure that evidence considered while preparing the objectives includes religion and sexual orientation; especially in the context of interaction with tenants.
- although many of the actions are measurable, more detailed action planning with specific, SMART actions are needed; especially if the objectives are to lead to an improvement in EDI practice.
- greater focus on the intersectional, cumulative, and multiple nature of inequalities is needed to set the regulator as a sector leader, one that goes beyond compliance with the Act.

Consultation on Equality objectives – Decision Statement

- 4.10 Furthermore, while it was acknowledged that the consultation largely relates to how the RSH will function, there was no reference as to how the regulator will ensure registered providers (RPs) have a strong approach to EDI or will go beyond compliance and that those expectations should form an important part of this.
- 4.11 We have taken into account the feedback at 4.9 and 4.10 and those comments which hoped we would go further in our approach. In response we would refer back to our statutory consultation which explained that our proposed objectives are based on an available and appropriate evidence base for our initial equality objectives, and take into account our obligations in relation to all protected characteristics, having regard to our statutory remit (including a duty to minimise interference) and the need to be proportionate in setting objectives. As we have stated our objectives will be kept under review.
- 4.12 Taking account of the consultation responses received, we have considered all the points made and looked again at the objectives and the action plan to make some amendments based on the feedback received. These are set out in the next section.

5. The Regulator’s response to the consultation feedback – Final position on the Equality objectives

5.1 The following section presents the final position on the Regulator’s Equality objectives, taking into account the consultation responses. Please note: the text marked in blue outlines the areas of change following the consultation.

Final position	
Objective:	Delivered by:
1. Ensure that where equality and diversity concerns are raised through our enquiries process, they are considered in line with our statutory objectives	i) Appropriate training for our enquiries team and staff who regularly handle complaints Ensuring that our enquiries team and staff who handle complaints receive training on discrimination, harassment and equality legislation
	ii) Ensuring that complaint referrals identified as having an equality, diversity or inclusion (EDI) dimension are properly recorded as such and dealt with in accordance with our consumer regulation guidance
	iii) Ensuring We intend to highlight key lessons learned and good practice from discrimination cases and enquiries in our annual report on consumer regulation includes any lessons learned and good practice from discrimination cases and enquiries
	iv) Investigating technological solutions to improve collation and analysis of EDI data arising from enquiries
2. The Regulator will review its methods of communicating to ensure that it does so in an inclusive way	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 is reasonable in line with our duty to make reasonable adjustments
	iii) Ensuring that our communications, such as responses to enquiries, meets the individual’s communication needs where reasonable in line with our duty to make reasonable adjustments

	<p>iv) Proactively engaging with GDS about what changes can be made to our website to make it as accessible as possible</p>
<p>3. We will provide a supportive and inclusive working environment for all²</p>	<p>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</p>
	<p>ii) Improving the collation of equality and diversity data in order to identify barriers to under-represented groups to recruitment and progression, advance equality of opportunity, and foster good relations amongst all groups within the regulator’s workforce</p>
	<p>iii) Establishing a robust baseline and 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</p>
	<p>iv) Using data to review how effective the policies we have in place are at delivering the desired outcomes</p>
	<p>v) Carrying out L&D activity to further foster an inclusive working environment including mandatory training on unconscious bias, discrimination, harassment and equality legislation for all staff</p>
	<p>vi) Actively promoting equality, diversity and inclusion in the workplace.</p>

² The text marked in blue above outlines the areas of change following the consultation.

Annex 1: List of respondents to the consultation on the Equality objectives

The table below shows the respondents to the consultation. Where the response was on behalf of an organisation and the respondent used a corporate email address, the organisation's name is given rather than the individual officer who completed the response.

Anthony Dwayne Jefferies (Individual)	North Group EM Homes
Anonymous Individual	Paragon Asra Housing
Citizen Housing	Paul Perez (Individual)
East Midlands Housing Group	Places for People
Housing Diversity Network	RACS
Housing Quality Network	Riverside
LiveWest	Thirteen
LGBT Foundation	Thrive Homes
Muslim Engagement and Development	Tower Hamlets
Non-Executive Director for two registered providers	UCL Public Policy and UCL Grand Challenge Justice & Equality

Annex 2: Equality objectives



Regulator of
Social Housing

Equality objectives

July 2020



Equality objective:	Delivered by:
1. Ensure that where equality and diversity concerns are raised through our enquiries process, they are considered in line with our statutory objectives	v) Appropriate training for our enquiries team and staff who regularly handle complaints
	vi) Ensuring that complaint referrals identified as having an equality, diversity or inclusion (EDI) dimension are recorded as such and dealt with in accordance with our consumer regulation guidance
	vii) We intend to highlight key lessons learned and good practice from discrimination cases and enquiries in our annual report on consumer regulation
	viii) Investigating technological solutions to improve collation and analysis of EDI data arising from enquiries
4. The Regulator will review its methods of communicating to ensure that it does so in an inclusive way	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 is reasonable, in line with our duty to make reasonable adjustments
	iii) Ensuring that our communications, such as responses to enquiries, meet the individual's communication needs where reasonable in line with our duty to make reasonable adjustments
	iv) Proactively engaging with GDS about what changes can be made to our website to make it as accessible as possible
5. We will provide a supportive and inclusive working environment for all	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 under-represented groups to recruitment and progression, advance equality of opportunity, and foster good relations amongst all groups within the regulator's workforce
	iii) Establishing a robust baseline and 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 L&D activity to further foster an inclusive working environment including mandatory training on unconscious bias, discrimination, harassment and equality legislation for all staff
	vi) Actively promoting equality, diversity and inclusion in the workplace.



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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.