



Regulator of  
Social Housing

# Consultation on equality objectives

April 2023



OFFICIAL

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## Foreword

At the Regulator of Social Housing, one of the five values we set ourselves when we became a standalone organisation in 2018 was “We embrace diversity and seek to be an inclusive and supportive organisation”. This underpins our work and drives the culture of the organisation. All our staff, led by the Board, Executive and Senior Leadership Team, are committed to diversity and being an inclusive and supportive organisation.

We published our first set of equality objectives in July 2020, following a consultation. Those objectives focussed on the point at which we interact with tenants and the public; how we communicate; and our organisational culture. Our first objectives provided a good foundation to our equality, diversity and inclusion (EDI) approach, and we have made good progress against them.

We want to push ourselves further on EDI matters and are proposing three updated equality objectives. These focus on the robustness and quality of equality data in the sector; how we communicate; and the culture within our 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 equality. We believe these objectives build on the robust foundation set by our first set of objectives. Our work on equality is extremely important and the Board and Executive will regularly review our progress against them.

We are launching this consultation to seek feedback from the sector and interested stakeholders. We are keen to hear views so please do take the time to respond and help shape our important work on equality.

**Bernadette Conroy**  
**Chair – Regulator of Social Housing**

# 1. Scope of the consultation

Topic of this consultation	The Regulator of Social Housing is consulting on a proposed revised set of equality objectives to meet the requirement to agree and publish such objectives in regulations made pursuant to the Equality Act 2010.
Scope of this consultation	It is not a statutory requirement to consult on these equality objectives. 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.

## 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 runs from 25 April 2023. The closing date is 30 June 2023.
Enquiries	For any enquiries about the consultation please contact our Referrals and Regulatory Enquiries team on 0300 124 5225 or <a href="mailto:enquiries@rsh.gov.uk">enquiries@rsh.gov.uk</a> , who will be pleased to help.

## 2. How to respond

- 2.1 Please send your response by 30 June 2023 – if you respond after this date, your response may not be considered.
- 2.2 Respondents are encouraged to answer as many questions as possible, but you do not have to respond to every question.

### Online

- 2.3 Where possible, please respond to the questions in this consultation online:  
<https://forms.office.com/e/bG4pN2xDSq>

### Email or post

- 2.4 If, for example, you are unable to complete an online response, you can email your response to: [consultation@rsh.gov.uk](mailto:consultation@rsh.gov.uk). Please include “Equality objectives” in the subject heading.
- 2.5 Alternatively, you can send a written response to:  

Regulator of Social Housing  
Referrals and Regulatory Enquiries team  
Level 2  
7-8 Wellington Place  
Leeds LS1 4AP
- 2.6 Please mark the envelope “Equality objectives”.
- 2.7 If you are responding by email or post, please make it clear which questions in this consultation you are responding to. The questions are set out in section 8.
- 2.8 If you wish us to include your name in the list of respondents that we intend to publish, please include a statement in your submission that you are happy for us to do this. However, you should also note that information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information regimes. Please see section 9 for further details and see our privacy notice for information about how the regulator processes and protects personal data.
- 2.9 Please respond using only one means e.g., if you respond online, you do not need to email or post your response to us.

- 2.10 To help us to understand who responds to this consultation and the context of their answers, it would be useful if you could include the following information (but there is no obligation to do so):
- your name
  - whether you are responding as an individual or on behalf of an organisation
  - whether you are a (please select one):
    - a. social housing tenant in rental accommodation
    - b. shared owner with a registered provider
    - c. private registered provider
    - d. local authority registered provider
    - e. stakeholder organisation
    - f. other (please specify)
  - the name of the organisation (if applicable), and
  - a contact email address (if possible)
- 2.11 If you are responding on behalf of a representative group, please give an overview of the organisations they represent, and where relevant, which bodies or groups they have consulted in writing the response. Please do not provide identifiable personal data. Do not provide any sensitive personal information such as criminal offence, health, sexual orientation, racial or ethnic origin information which could identify individuals.
- 2.12 Please do not share any information in your response which you would not be happy for us to make publicly available. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information regimes. Please see section 9 for details and see our privacy notice for information about how the regulator processes and protects personal data.
- 2.13 Our current proposal is that after the closing date of this consultation, we will publish:
- an analysis of the responses we receive and anonymised responses (i.e. responses where we have removed information that could identify the respondent); and
  - a list of all respondents to the consultation who have told us that they are happy for their name to be published.
- 2.14 However, we will keep these proposals under review as the consultation progresses.
- 2.15 Individual responses will not be acknowledged.
- 2.16 If you need this consultation document in an alternative format, you may make a request using any of the contact details above.

### **3. Equality statement**

- 3.1 The regulator is mindful of its statutory equality duties under section 149 of the Equality Act 2010 and regulations made under it.
- 3.2 Although there is no statutory requirement to carry out a consultation on the proposed equality objectives the regulator has chosen to do so.
- 3.3 This is a consultation on draft equality objectives which we have designed 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.

## 4. Executive summary

- 4.1 In 2020 the regulator consulted on and published our first set of equality objectives. We are now ready to revise these objectives.
- 4.2 We are now consulting on the proposed revised equality objectives set out in Annex 1. The proposed revised objectives relate to:
1. the quality and robustness of equality data about the sector
  2. how we engage with tenants and other stakeholders, and
  3. providing a supportive and inclusive working environment.
- 4.3 Responses to this consultation must be received by 30 June 2023 for the regulator to consider them.



## 5. Introduction and statutory background

- 5.1 Section 149 of the Equality Act 2010 (the Act) sets out the Public Sector Equality Duty (PSED) 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, and
  - 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 nine of the protected characteristics under the Equality Act 2010, namely:
- 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)
- 5.3 To support the aims and objectives of the general duty, the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 sets out specific duties, one of which (the specific duty) 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.
- 5.4 This consultation sets out the proposed revised objectives and invites feedback on the proposals.

## 6. Delivering our current equality objectives

- 6.1 In July 2020 the regulator published a first set of equality objectives. This followed a consultation running between January and March 2020. Our first equality objectives focussed on areas where we could have the most immediate impact, namely:
- i. the point where we interact with tenants, and
  - ii. the organisational culture we create.
- 6.2 As a new organisation we considered it appropriate to set the following three equality objectives:
- i. Ensure that where equality and diversity concerns are raised through our enquiries process, they are considered in line with our statutory objectives
  - ii. The regulator will review its methods of communicating to ensure that it does so in an inclusive way
  - iii. We will provide a supportive and inclusive working environment for all.
- 6.3 We have delivered almost all the specific actions we set ourselves against these objectives with many of them now embedded into business as usual. For full details of the progress we have made, please see our latest equality information report<sup>1</sup>.
- 6.4 Another important consideration when we were setting our initial objectives was the potential change in our consumer regulation remit through the Social Housing White Paper. This has informed our intention to set fresh objectives taking account of our new remit.
- 6.5 We therefore consider it timely to refresh our equality objectives.

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<sup>1</sup> Equality information and pay gap reports - GOV.UK ([www.gov.uk](http://www.gov.uk))

## 7. Preparing new equality objectives

7.1 Guidance published by the Equality and Human Rights Commission 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 public authorities to better perform the general equality duty. Equality objectives help focus attention on the priority equality issues within an organisation, to deliver improvements in policymaking, service delivery and employment, including resource allocation.”<sup>2</sup>

7.2 The same guidance advises that public authorities take a proportionate approach in setting objectives, acknowledging that the number of objectives set and the level of ambition will differ depending on the size and role of an organisation.

7.3 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.”

7.4 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 regulatory approach.

7.5 As part of preparing revised draft external equality objectives, we have considered:

- i. our fundamental objectives
- ii. provisions in the Equality Act 2010
- iii. the sector we regulate
- iv. our regulatory approach
- v. the progress against our current objectives.

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<sup>2</sup> <https://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty>

## 8. Proposed objectives

- 8.1 Taking into account the principles highlighted above we have drafted a set of three proposed new 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.
- 8.2 After careful consideration, we decided it was appropriate to retain two external and one internal objective. Both our existing external objectives have moved to business as usual. We want our new external objectives to build on our first set of objectives.

### External objectives

- 8.3 While there is a variety of information in the public domain relating to the demographics of social housing tenants in England, there are still a number of gaps (e.g. the protected characteristics of gender reassignment and pregnancy and maternity). Additionally, our recent statutory consultation on tenant satisfaction measures<sup>3</sup> (TSM) showed that some registered providers' data on their tenants' protected characteristics was not up to date or reliable and they would need time to improve it.
- 8.4 Better understanding of resident demographics, at provider and sector level, including through gathering better data, would help us and providers comply PSED and improve decision-making (with a view to achieving our respective objectives). Accordingly, proposed Objective 1 relates to the quality and robustness of equality data about the sector.

***Proposed objective 1: We will encourage the sector to better understand the diversity of the communities that they serve and that measures are in place to promote equity in relation to their service delivery.***

- 8.5 Our proposed Objective 1 has links to our new consumer regulation remit and we would propose to keep some of the deliverables under review until such time as our new consumer regulation standards are finalised.
- 8.6 Our proposed Objective 2 builds on our first set of equality objectives which looked at how we interact with tenants. It also builds on the engagement we have been doing as part of the consumer regulation programme and TSM consultation and would remain relevant when our expanded remit starts.

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<sup>3</sup> Consultation on the introduction of tenant satisfaction measures - GOV.UK ([www.gov.uk](http://www.gov.uk))

***Proposed objective 2: We will be respectful and inclusive in our engagement and communication.***

**Organisational culture**

- 8.7 It is important to ensure we have a culture that provides a supportive and inclusive working environment. We have made progress in the last few years. As a matter of good practice, we routinely publish our gender and ethnicity pay gaps even though we are below the statutory threshold to do so. This enables us to better understand the current position and to identify actions we can take to help improve any gaps. We have worked to better establish the equality and diversity position at recruitment to understand more about applicants and successful candidates.
- 8.8 To consolidate and continue to build in this area we have decided to propose no change to our internal objective, draft Objective 3, which is focussed on ensuring we have an inclusive working environment.

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

- 8.9 To be transparent and to help provide more detail on what we are doing to deliver proposed Objective 3, we propose that we will publish our internal Equality, diversity and inclusion (EDI) strategy and action plan alongside our refreshed equality objectives.
- 8.10 Further details on our proposed objectives, including how they would be delivered, are in Annex 1.

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

If no, please give details on where you believe they do not meet our obligations.

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

If no, please give details on where you believe there are gaps.

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

## 9. About this consultation

- 9.1 In preparing this consultation, the regulator has had regard to the consultation principles issued by the Cabinet Office.
- 9.2 In their response, representative groups are asked to give an overview of the organisations they represent, and where relevant, which bodies or groups they have consulted in reaching their conclusions. Please do not provide identifiable personal data. Do not provide any sensitive personal information such as criminal offence, health, sexual orientation, racial or ethnic origin information which could identify individuals. Please note that we will not be able to acknowledge receipt of your response to the consultation or send you copies of your response.
- 9.3 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) (EIR). Please do not share any information in your response that identifies other individuals, or which you would not be happy for us to make publicly available. You may respond to the consultation without providing your name, organisation or email address should you wish.
- 9.4 If you want the information you provide to be treated as confidential, please be aware that, under FOIA, DPA and EIR all information is disclosable unless a provision within legislation or regulation permits information to be withheld. In order to rely on any exemption or exception from disclosure under the above information access regimes, the regulator would need to show the particular exemption or exception is engaged and any threshold for its applicability met.
- 9.5 In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential and any prejudice which might be caused were the information to be disclosed upon request. This will help us determine, if and when we receive a request for information under a particular information access regime, whether any exemption or exception from disclosure is available. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot guarantee 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.

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- 9.6 Please do not share any information in your response which you would not be happy for us to make publicly available. We may publish an analysis of the responses we receive and anonymised responses (responses where we will remove name and email addresses that could identify the respondent).
- 9.7 The regulator will process and protect your personal data in accordance with Data Protection legislation. This will mean that your personal data will not be disclosed to third parties unless a lawful basis exists for its disclosure. For more information on how the regulator processes and protects your personal data, please see our Privacy Notice.
- 9.8 Please note that we are using the Microsoft Forms application to gather this information. Identifiable consultation responses will be held on the regulator's secure IT systems for no longer than nine months from the consultation closing date. Any data collected by the regulator is stored on UK servers. You can read our privacy information on our website.
- 9.9 Individual responses will not be acknowledged unless specifically requested.
- 9.10 This consultation is not a route for making a referral about a landlord. Should you want to make a referral to us about a landlord, this should be done by making contact with us separately on the contact details below:

Email: [enquiries@rsh.gov.uk](mailto:enquiries@rsh.gov.uk) or call: 0300 124 5225.

In writing to: Regulator of Social Housing  
Referrals and Regulatory Enquiries team  
Level 2  
7-8 Wellington Place  
Leeds LS1 4AP

- 9.11 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? <sup>4</sup>	How will it be delivered?
<p>1. We will encourage the sector to better understand the diversity of the communities that they serve and that measures are in place to promote equity in relation to their service delivery.</p>	<p>a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act</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"> <li>i. Emphasising the importance of EDI in our engagement with the sector, including at speaking events, in public consultations and sector-facing guidance and publications</li> <li>ii. By reviewing the requirement in our existing standards which sets expectations of providers in respect of understanding the diverse needs of their tenants and consulting on any proposed changes<sup>5</sup></li> <li>iii. By reviewing how we gather assurance that providers meet the requirements in respect of diverse needs set out in the consumer standards as part of our new operating model<sup>6</sup></li> <li>iv. Considering the PSED in the formulation of our standards and carrying out inclusive consultation to allow for feedback from a range of stakeholders</li> <li>v. Carrying out Equality Impact Assessments on policies and programmes where our PSED applies, and it is appropriate to do so.</li> </ul>

<sup>4</sup> The numbering in this column is not sequential as it mirrors clauses in the Act

<sup>5</sup> Exact wording of this deliverable may change depending on the outcome of the separate statutory consultation on our consumer standards

<sup>6</sup> Exact wording of this deliverable may change depending on the outcome of the separate statutory consultation on our consumer standards and decision on how we will regulate against them



Proposed objective	What part of the duty does it meet? <sup>7</sup>	How will it be delivered?
<p>2. We will be respectful and inclusive in our engagement and communication.</p>	<p>a. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it</p> <p>b. 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"> <li>i. Respectful, fair and inclusive communications and engagement that, where practical to do so, meet individuals' communication needs</li> <li>ii. Induction and regular refresher training on accessible communication skills for externally facing roles</li> <li>iii. Our regulatory engagement with stakeholders, especially with tenants</li> <li>iv. Adoption of a Staff Code of Conduct which builds on and reinforces our values and behaviours</li> <li>v. Reviewing, updating and training our staff on our style guide in line with current good practice on inclusive communication to provide consistency in how we communicate.</li> </ul>

<p>3. We will provide a supportive and inclusive working environment for all.</p>	<p>a. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it</p> <p>b. 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"> <li>i. developing our approach to EDI in line with current and emerging research and good practice to cultivate a fair and inclusive environment where people feel valued and respected</li> <li>ii. making our recruitment processes fully inclusive to attract and recruit a diverse range of people, focussing particularly on increasing ethnic diversity at senior levels</li> <li>iii. developing our training offer to embed a positive working culture and provide everyone with opportunities to learn, develop and play to their strengths wherever possible</li> <li>iv. providing opportunities for all to have their voices heard and to feel part of the regulator to promote individual wellbeing and increase visibility of different experiences.</li> </ul>
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<sup>7</sup> The numbering in this column is not sequential as it mirrors clauses in the Act

## Annex 2: Key legislative provisions

1. The following apply to the Regulator of Social Housing (RSH):

- Section 149 of the Equality Act 2010; and
- 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 PSED) 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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**The Regulator of Social Housing regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver and maintain homes of appropriate quality that meet a range of needs.**