



Doing the right thing, the right way.

SFHA Finance Conference  
Equalities Update  
Workshop Block B (1545 to 1645)

16 November 2021

# Facilitator

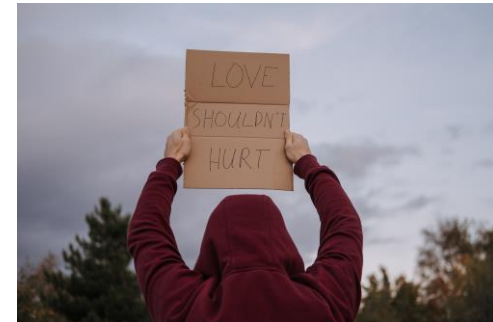


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She/her/hers  
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Change HR Ltd

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Doing the right thing, the right way.

# 2020 to 2021



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# Outcomes

- Increased knowledge of current EDI issues
- Improved awareness of practical implications of equality monitoring
- Reassurance about data protection issues

# Relevant Legislation

- The Equality Act 2010
  - Equality & Human Rights Commission (EHRC)
- Housing (Scotland) Act 1998 & Housing (Scotland) Act 2001
  - Scottish Housing Regulator
    - \*All RSLs must:  
*“act in a manner which encourages equal opportunities”*
- Human Rights Act 1998
  - Scottish Human Rights Commission

# Equality Act – General Duties

- When RSLs are delivering functions of a “*public nature*” compliance with the **general duties** are required and these are:-
  - pay due regard to the need to eliminate discrimination (direct/indirect/arising from disability/harassment and victimisation)
  - advance equality of opportunity
  - *foster* good relations between people who share a protected characteristic and people who do not share it

# Regulatory standards - SHR

- **Standard 1:** *“The governing body leads and directs the RSL to achieve good outcomes for its tenants and other customers ”*
- **Standard 4:** requires each social landlord’s governing body to base: *“...its decisions on good quality information and advice and identifies and mitigates risk to the organisation’s purpose” (SHR, 2019, page 13).*
- **Standard 5 –** *“The RSL pays due regards to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range or protected characteristics in all areas of its work, including its governance arrangements.”*

# Collecting equality information: National guidance for Scottish social landlords

August 2021

Produced by:

Scottish Federation of Housing Associations  
Glasgow and West of Scotland Forum of Housing Associations  
Association of Local Authority Chief Housing Officers  
Scottish Housing Regulator

*“The law does not specify the types of questions that social landlord should use to collect equality data”*

*“You can adapt the model form to meet your organisation’s requirements and document style”*



Glasgow and West of Scotland  
Forum of Housing Associations



Scottish Housing  
Regulator



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# Practical considerations

## Why

- To understand needs & tailor services?
- To identify any issues to be addressed
- To foster good relations?

## What

- On all 9 protected characteristics?
- Wider disadvantaged groups ?
- Data protection?

## Who

- Tenants/applicants/owners?
- Employees?
- Board members?

# Practical considerations....cont

## How

- Equality monitoring forms
- Face to face
- System updates

## When

- Timing
- Phased timing
- Annual assurance statement

## Then..

- Action plan
- Promote
- Review & monitor

# Data protection considerations

# Data protection considerations

- Personally Identifiable Information should only be collected if there is an intended use for the information
- Personal data only includes information relating to living persons who:
  - Can be identified or who are identifiable directly from the information; or
  - Who can be indirectly identified from that information in combination with other information

Therefore, **truly anonymised equalities monitoring whereby an individual cannot be identified does not fall under GDPR**

# Principles



# Data Subject Rights

Right	Where to find it
Right to be informed	Article 13, Article 14
Right of access	Article 15
Right to rectification	Article 16
Right to erasure	Article 17
Right to restrict processing	Article 18
Right to data portability	Article 20
Right to object	Article 21
Rights in relation to automated decision-making and profiling	Article 22

# Lawful reason for processing

- Public interest
- Official authority
- Legal obligation
- Legitimate interest
- Contract
- Consent –freely given, specific, informed, easy withdraw, records

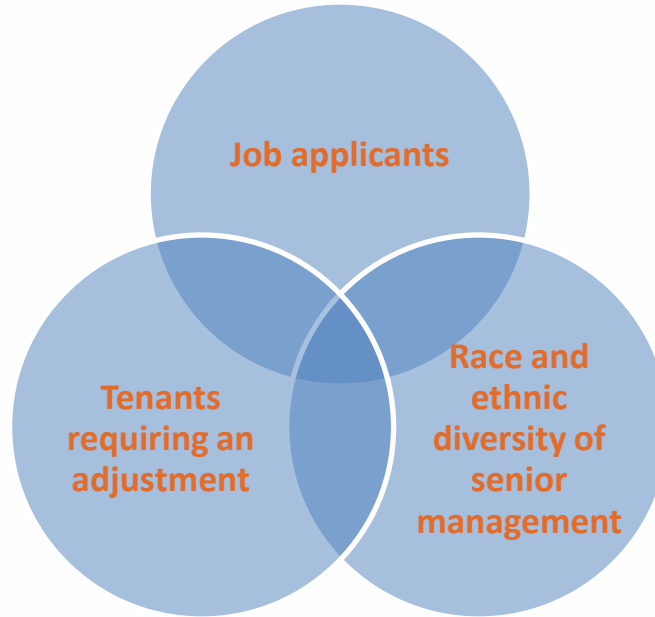
BUT if 'special category' data you need additional lawful reasons for processing .....

# Special category

- Explicit Consent – written down, freely given, easily withdrawn, and granular options (specific unambiguous)
- Public health
- Public interest
- Vital interests
- Employment – protect rights
- Archiving /stats/research
- Made public by data subject
- Member groups
- Legal claims
- Health of Data Subject



# What are the lawful grounds?



# The pitfalls

- ✗ If you don't communicate how you are using the data you collect people will stop sharing their personal data
- ✗ If you don't have secure systems in place you can easily breach GDPR regulations
- ✗ If you don't phrase your questions well people will not share their data with you
- ✗ Ensure you are clear of the legal basis for collection of data

## **\*\*Hot tips on equality monitoring\*\***

- Decide if collecting anonymised data
- Record of Processing Activity
- Decide which groups collecting data
- Decide if different lawful reasons for processing
- Update your privacy policies (including purpose/processing/use)
- If rely upon consent, ensure meets criteria
- Decide what data you are monitoring
- Keep up to date with categories e.g. Scottish Census on Sex
- Agree how stored, who has access
- Update retention policy
- Equality impact assessments

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- ✗ If you don't have secure systems in place you can easily breach GDPR regulations
- ✗ If you don't phrase your questions well people will not share their data with you
- ✗ If you are unclear of the legal basis for collection of data

# We can support you with



**changeHR**

Doing the right thing, the right way.

# Together we can make the difference.



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