



PROTECTING UNOCCUPIED PROPERTY

## Equality and Diversity Policy

### 1. Introduction and Purpose

Empty Property Services Ltd is committed to promoting equality, valuing diversity, and creating an inclusive environment for all employees, clients, tenants, contractors, and stakeholders.

This policy outlines our approach to equality and diversity in all aspects of our property and guardian management operations.

The purpose of this policy is to:

- Ensure fair and equal treatment for everyone we interact with
- Promote an inclusive culture that values diversity
- Prevent all forms of unlawful discrimination
- Comply with relevant equality legislation and codes of practice

### 2. Scope of the Policy

This policy applies to all aspects of our business operations, including but not limited to:

- Employment practices (recruitment, promotion, training, etc.)
- Tenant and/or Guardian selection and treatment
- Contractor and supplier relationships
- Property maintenance and improvements
- Customer service
- Marketing and communications

### 3. Legal Framework

#### Equality Act 2010

The Equality Act covers nine equality groups (called 'protected characteristics'), which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. **The protected characteristics** are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;



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- pregnancy and maternity;
- race;
- religion and belief;
- sex; and
- sexual orientation.

## Code of practice for landlords: avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector: 6 April 2022<sup>1</sup>

The Right to Rent Scheme (the Scheme) was launched to ensure only those lawfully present in the UK can access the private rented sector, and to tackle unscrupulous landlords who exploit vulnerable migrants, sometimes in very poor conditions.

The code of practice is to ensure that landlords do not unlawfully discriminate contrary to the Equality Act 2010 when carrying out right to rent checks. It provides practical guidance for landlords on what they should or should not do to avoid unlawful discrimination when complying with their obligations under the Immigration Act 2014. The code applies both to landlords and to agents who carry out letting services on behalf of landlords.

### Human Rights Act 1998

The Human Rights Act (HRA) of 1998 is a UK law that protects the human rights of everyone in the United Kingdom. It's based on the European Convention on Human Rights (ECHR) and its 16 articles, which are referred to as Convention rights.

The HRA requires public organizations to treat everyone with fairness, dignity, and respect, and to ensure that people enjoy the rights set out in the ECHR.

These rights include:

- Right to respect for private and family life: This includes the right to live privately without interference from the state, and the right to control how your personal information is held and protected.
- No discrimination: Everyone's rights are equal.

### Protection from Harassment Act 1997

The Protection from Harassment Act 1997 (PHA 1997) is a UK law that criminalizes harassment and stalking, and other "courses of conduct" that cause fear, alarm, or distress to victims. The law was originally intended to address stalking, but it now covers a wider range of behaviours, including bullying, libel disputes, and media harassment. The PHA 1997 also provides civil remedies, such as damages for anxiety or financial loss caused by harassment.

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<sup>1</sup> <https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice/code-of-practice-for-landlords-avoiding-unlawful-discrimination-when-conducting-right-to-rent-checks-in-the-private-rented-residential-sector-6-ap#what-is-discrimination>



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## Rehabilitation of Offenders Act 1974

Under the Rehabilitation of Offenders Act 1974 criminal convictions can become spent or ignored after a rehabilitation period.

## Gender Recognition Act 2004

The Gender Recognition Act (GRA) of 2004 in the UK allows transgender adults to apply for a Gender Recognition Certificate (GRC) from the Gender Recognition Panel (GRP). The GRC legally recognizes the applicant's acquired gender, and they are considered to be of that gender in law from the date of issue. This includes the right to marry. The GRA also allows applicants to receive a new birth certificate

## Civil Partnership Act 2004

The Civil Partnership Act 2004, which came into effect in the UK on December 5, 2005, allowed same-sex couples to legally recognize their relationship through civil partnerships. The Act gave civil partners many of the same rights and responsibilities as married couples, including:

- Home rights: Home rights for same-sex couples

## Other laws and regulations

we also comply with any other relevant laws and regulations.

## 4. Definitions

- Equality: Ensuring fair treatment and equal opportunities for all individuals
- Diversity: Recognising, respecting, and valuing differences in individuals
- Discrimination:
  - Direct Discrimination: Treating someone less favourably because of a protected characteristic
  - Indirect Discrimination: Applying a provision, criterion, or practice that disadvantages people with a protected characteristic
- Protected Characteristics: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

## 5. Unlawful discrimination

In this section we describe what unlawful discrimination is and our obligations.

Unlawful discrimination can take a number of different forms. There are four main types:

### Direct discrimination

We must not treat a person worse because of one or more of their protected characteristics. This is called **direct discrimination**.

Examples

A shop will not serve someone because of their ethnic origin

A nightclub charges a higher price for entry to a man because of their sex where the service provided to a woman is otherwise exactly the same

## Indirect discrimination

We must not do something to someone which has (or would have) a worse impact on them and on other people who share a particular protected characteristic than on people who do not share that characteristic. Unless we can show that what we have done is objectively justified, this will be what is called **indirect discrimination**. ‘Doing something’ can include making a decision, or applying a rule or way of doing things.

Examples

A shop decides to apply a ‘no hats or other headgear’ rule to customers. If this rule is applied in exactly the same way to every customer, Sikhs, Jews, Muslims and Rastafarians who may cover their heads as part of their religion will not be able to use the shop. Unless the shop can objectively justify using the rule, this will be indirect discrimination.

No children exclusion is likely to be indirect discrimination as women are more likely to be carers of children so could indirectly discriminate against women. Such a rule would have to be justified, for example, due to health and safety.

We must not treat a disabled person unfavourably because of something connected to their disability where we cannot show that what we are doing is objectively justified. This only applies if we know or could reasonably have been expected to know that the person is a disabled person. This is called **discrimination arising from disability**.

Example

A shop has a ‘no dogs’ rule. If the shop bars a disabled person who uses an assistance dog, not because of their disability but because they have a dog with them, this would be discrimination arising from disability unless the shop can objectively justify what it has done.

We must not treat a person worse than someone else because they are associated with a person who has a protected characteristic. This is called **discrimination by association**.

Example

A restaurant refuses to serve a customer who has a disabled child with them, but serves other parents who have their children with them.

We must not treat a person worse because we incorrectly think they have a protected characteristic (**perception**).

Example

A member of staff in a pub tells a woman that they will not serve her because they think she is a transsexual person. It is likely the woman has been unlawfully discriminated against because of gender reassignment, even though she is not a transsexual person.

We must not discriminate on the grounds of **pregnancy and maternity**, Section 17 provides that it is unlawful to discriminate against a woman on the basis that she is pregnant. This applies both to when she is pregnant and the period of 26 weeks after giving birth.

## Victimisation

We must not treat a person badly or victimise them because they have complained about discrimination or helped someone else complain or done anything to uphold their own or someone else's equality law rights. This is called victimisation.

Example

A customer complains that a member of staff in a café told her she was not allowed to breastfeed her baby except in the toilets. Because she has complained, the café tells her she is barred altogether. This is almost certainly victimisation.

## Harassment

We must not **harass** a person.

Example

A member of staff in a nightclub is verbally abusive to a customer in relation to a protected characteristic.

Even where the behaviour does not come within the equality law definition of harassment, for example, because it is related to religion or belief or sexual orientation, it is likely still to be **unlawful direct discrimination** because we are giving the service to the person on worse terms than we would give someone who did not have the same protected characteristic.

In addition, to make sure that disabled people are able to use our services as far as is reasonable to the same standard as non-disabled people, we must make **reasonable adjustments**, for example, providing priority access to ground floor flats.

Example

A bank branch has a flight of steps up to its entrance but it is not permitted by the local authority to build a ramp because this would block the pavement. The bank installs a platform lift so that disabled people with mobility impairments can get into the branch. This is a reasonable adjustment.

## Code of practice

The Code of Practice for landlords 2022, provides further detail on **How to avoid discrimination**

The best way for landlords to ensure they do not discriminate when carrying out right to rent checks is to treat all prospective tenants fairly, making sure their criteria and practices in this regard are appropriate and necessary.

To ensure they are avoiding discrimination in the context of the Right to Rent Scheme, landlords should:

- Be consistent in how they conduct right to rent checks on all prospective tenants, including those who the landlord believes are more likely to be British citizens
- ensure that no prospective tenants are discouraged or excluded, either directly or indirectly, because of known or perceived protected characteristic.

Furthermore, landlords should not:

- discriminate when conducting right to rent checks
- simply check the status of those who the landlord thinks appear or are likely to be migrants
- treat those with a time-limited right to rent more or less favourably
- treat those who have access to the Home Office online checking service more or less favourably
- treat those who provide a manual documentation as listed in the list of acceptable documents more or less favourably

make assumptions about a person's right to rent, or their immigration status on the basis of their colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

When they decide who should be offered rented residential accommodation they must not discriminate:

(a) in the terms on which the accommodation is offered

(b) by refusing to offer the accommodation

(c) in their treatment of persons seeking the accommodation (including the way in which right to rent checks are carried out).



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The 2010 Act also includes provisions concerning withholding permission to sell, let or sub-let accommodation and the management of premises (including the treatment of tenants). It makes it unlawful for a person whose permission is needed to sell, let or sub-let a property to discriminate against or victimise another person by withholding that permission, or harassing someone who seeks that permission or someone to whom the property would be sold or let if permission were given. It also makes it unlawful for a person who manages premises to discriminate against, victimise or harass an occupier or to harass someone who seeks to occupy the premises.

## 6. Policy Statements

Empty Property Services Ltd is committed to:

- Promoting equality and diversity in all aspects of our operations
- Creating an environment free from bullying, harassment, victimisation, and unlawful discrimination
- Treating all employees, tenants, guardians, clients, and stakeholders with dignity and respect
- promote staff development and career progression across the organisation to ensure equality of promotion prospects
- Making reasonable adjustments for disabled employees, tenants, guardians and other stakeholders
- Ensuring equal access to services for all eligible individuals
- Providing fair and transparent tenant and guardian selection processes, including carrying out “right to rent” checks in accordance with the Code of practice
- Ensuring our marketing and communications are inclusive and accessible

## 7. Responsibilities

The management team:

- Overall responsibility for implementing and monitoring this policy
- Ensuring all employees understand and adhere to the policy
- Leading by example in fostering a culture of equality and inclusion
- Providing training on equality and diversity
- Handling complaints and grievances related to equality issues

Employees:

- Understanding and complying with this policy
- Treating colleagues, tenants, and stakeholders with respect
- Reporting any instances of discrimination or harassment



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## 8. Implementation

To implement this policy, we will:

- Provide equality and diversity training to all employees and require them to refresh on an annual basis
- Review and update our recruitment and selection processes
- Develop partnerships with diverse community organisations
- Regularly communicate our commitment to equality and diversity

## 9. Monitoring and Review

We will:

- Regularly review this policy (at least annually) to ensure its effectiveness
- Regularly review:
  - Recruitment – reasons why candidates were unsuccessful
  - Property management – reasons why occupiers were rejected
- Seek feedback from employees, tenants, guardians and stakeholders on our equality and diversity practices
- Make necessary adjustments to improve our performance in promoting equality and diversity

## 9. Complaints Procedure

Any employee, tenant, guardian or stakeholder who believes they have been subjected to discrimination or harassment can:

- Raise the issue informally with their manager or a designated complaints officer
- File a formal complaint following our complaint procedure or grievance procedure
- Seek external advice and support from relevant equality organisations

All complaints will be taken seriously, treated confidentially, and addressed promptly and fairly.

Empty Property Services Ltd is committed to continuous improvement in our equality and diversity practices. We welcome feedback and suggestions from all stakeholders to help us achieve our goals of creating an inclusive and equitable environment for all.