



**Scottish Housing
Regulator**

Use of Equality and Diversity Information by Scottish Social Landlords

A thematic inquiry

June 2016

About Us

We are the independent Regulator of just under 200 social landlords – around 160 Registered Social Landlords (RSLs) and 32 local authorities. We are led by a Board of non-executive members and directly accountable to the Scottish Parliament.

Our one objective is **to safeguard and promote the interests of:**

- nearly 600,000 **tenants** who live in homes provided by social landlords;
- around 118,000 **owners** who receive services from social landlords;
- around 40,000 **people and their families** who may be homeless and seek help from local authorities; and
- over 2,000 **Gypsy/Travellers** who can use official sites provided by social landlords.

Our role is to gather, monitor, assess and report on social landlords' performance of housing activities and RSLs' financial well-being and standards of governance, and to intervene where appropriate to achieve our objective. We also keep a public register of social landlords.

You can see more on how we regulate social landlords in our published [Regulatory Framework](#) available on our [website](#).

The Scottish Government's [Social Housing Charter](#) sets out the standards and outcomes which social landlords should aim to achieve. We monitor, assess and report landlords' performance against the Charter, through our regulatory assessments, published analysis and thematic work.

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Overview

Introduction

1. This report presents the findings of our thematic inquiry on the information submitted by social landlords against the Charter standard and outcome for equalities. Social landlords are local authorities and Registered Social Landlords (RSLs) which are mainly housing associations and cooperatives. Our inquiry involved an analysis of the equalities data – with a focus on ethnicity – submitted in the [Annual Returns on the Charter](#) (ARCs) for 2014/15, a targeted survey with a small number of landlords, analysis of equality and diversity legislation, and a review of relevant policy.

Equality and Diversity in Scottish Social Housing

2. The Scottish Government, through the [Scottish Social Housing Charter](#) (the Charter), sets standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The Charter took effect from 1 April 2012 and it requires that “*Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services*”. It also states that landlords have a responsibility “...for finding ways of understanding the needs of different customers and delivering services that recognise and meet these needs”.
3. We collect annual information from social landlords on equalities indicators relating to these Charter standards. This helps us monitor and assess their performance against the Charter.
4. These indicators provide us with a breakdown of the ethnicity and disability status of existing tenants, new tenants and people on the waiting list for all social landlords. For RSLs only we also collect the same data for governing body members and staff.



Approximately 610,000 tenants of social landlords

People who are

White	400,000
Mixed / Multiple / other ethnicity	5,000
Black	4,500
Asian	4,300
Unknown ethnicity	196,000

People who identify as disabled	59,000
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1,831 RSL governing body members

People who are

White	1,721
Asian	37
Black	17
Mixed / Multiple / Other ethnicity	7
Unknown ethnicity	49

People who identify as disabled 286



Approximately 14,700 RSL members of staff

People who are

White	12,700
Asian	140
Black	120
Mixed / Multiple / Other ethnicity	30
Unknown ethnicity	1,700

People who identify as disabled 970

- Landlords gathering and then assessing equalities data is the first step to gaining a better understanding of, and delivering better services to, their tenants, those at risk of homelessness, factored owners and Gypsy/Travellers.

Main findings

- In relation to the Charter standards and outcomes we found:



Equalities

- Many landlords are doing well in collecting equalities data about their existing tenants, new tenants, those on housing lists, governing body members and staff but others have significant scope for improvement.
- At the Scottish aggregate level landlords know the ethnicity of 68% of all current tenants, but this figure varies widely amongst landlords.

- RSLs know the ethnicity of 97% of governing body members but seven do not know the ethnicity of 25% or more of their governing body. One of the seven does not know the ethnicity of any of its governing body.
- RSLs know the ethnicity of 88% of their staff. There is a wide range of reporting among landlords with approximately 125 landlords knowing the ethnicity of all or the vast majority of their staff. Two landlords did not submit any equalities data for their staff. Four do not know the ethnicity of any of their staff.



Recommendations

Social landlords should fully understand their equalities obligations and relevant legislation. Specifically, we recommend that social landlords should:

- » review their data collection approach for the equality elements of the ARC so that submissions are complete as far as reasonably possible. Many landlords are doing well in this regard but others need to improve;
- » ensure they provide equalities information in their ARCs and minimise “unknowns”;
- » use equalities data to help inform their understanding of the individual needs of their tenants and other service users;
- » consider whether satisfaction surveys – with the permission of the relevant tenants – could be used to gather specific information about the opinions of those with particular equality characteristics; and
- » use equalities data to tailor and target their approach to communicating with tenants and other service users.

About this thematic inquiry

7. We drew our evidence for this thematic inquiry from:
 - analysing national statistical information reported by social landlords about equalities, specifically the equality characteristics of existing tenants, new tenants, those on the waiting list for homes, RSL governing body members and RSL staff members;
 - undertaking a targeted survey of a sample of social landlords;
 - reviewing relevant equalities legislation; and
 - our own publications and guidance for social landlords.
8. The landlords we surveyed were selected either on the basis of having good quality equalities data or because they operate in areas of Scotland that we know have particularly ethnically diverse populations. The survey gave the selected landlords the opportunity to tell us about the barriers they face in collecting good equalities data, their approaches to overcoming such barriers and how they then make use of that data.

9. We surveyed five RSLs and one local authority. These were:

- New Gorbals Housing Association
- Parkhead Housing Association
- Trust Housing Association
- Queen's Cross Housing Association
- Southside Housing Association
- West Lothian Council

10. We asked about:

- the barriers faced by landlords in collecting good equalities data;
- ways to overcome barriers; and
- how landlords make use of the equalities data that they collect.

11. We have highlighted positive practice identified by social landlords. We have not directly assessed the reported positive practice.

12. We reviewed and considered the legal context principally the [Equality Act 2010](#) and the [Housing \(Scotland\) Act 2010](#).

13. We say more about equalities in other publications such as our [Regulatory Framework](#) and [Equalities Statement 2015-2018](#). We drew upon the content of these documents to help describe our approach to equalities and our expectations of social landlords.

14. We will use the findings from this inquiry to engage further with those landlords that are not submitting sufficient equalities data. We will continue to monitor and assess landlords' performance through the ARCs. We will also consider whether any changes are required to the equalities information that we ask for.

Equalities in Scottish social housing

Context

15. In this section we have provided some statistical, legislative and policy information about equalities in Scottish social housing. This information provides useful context to the findings and recommendations of our report.
16. Table 1 outlines the number of existing tenants, new tenants, housing list applicants governing body members and staff by ethnicity and disability¹. The table shows that:
- White people are the largest group for each category;
 - there are a large number of unknowns in the ethnicity category which reflects the data provided to us by landlords; and
 - the number of people within both the Asian and Black cohort is broadly similar for existing tenants, new tenants and those on the waiting list.

Table 1: Equality characteristics by population type, ethnicity and disability (number), 2014/15

	Existing tenants	New tenants	Housing list	Governing body	Staff
White	400,116	48,113	1,036,867	1,721	12,707
Mixed/multiple ethnicity	958	130	5,132	3	17
Asian	4,282	703	21,543	37	141
Black	4,542	809	22,310	17	119
Other ethnicity	4,028	852	11,280	4	16
Unknown	196,011	11,919	189,324	49	1,702
Total	609,937	62,526	1,286,456	1,831	14,702
Disabled	58,996	7,463	202,675	286	965

Source: ARC submissions 2014/15

Notes: Please note that there is likely to be significant and an unquantifiable amount of double counting in the number of people waiting for social housing due to some appearing on multiple housing lists.

17. Table 2 shows the same data as Table 1 but in percentage form. It confirms the large number of unknowns across existing tenants, new tenants, those on the housing list and current staff members – there are fewer unknowns in the governing body population type.

¹ Please note that in our analysis we have used the broad categories of White, Mixed/Multiple ethnicity, Asian, Black and Other ethnicity. However, we recognise that there is significant diversity within these broad categories, which is why we collect data for the sub-categories. Similarly, there is great diversity within the disability category though we do not collect data on types of disability.

Table 2: Equality characteristics by population type, ethnicity and disability (%), 2014/15

	Existing tenants	New tenants	Housing list	Governing body	Staff
White	65.6	76.9	80.6	94.0	86.4
Mixed/multiple ethnicity	0.2	0.2	0.4	0.2	0.1
Asian	0.7	1.1	1.7	2.0	1.0
Black	0.7	1.3	1.7	0.9	0.8
Other ethnicity	0.7	1.4	0.9	0.2	0.1
Unknown	32.1	19.1	14.7	2.8	11.6
Total	100	100	100	100	100
Disabled	9.7	11.9	15.8	15.6	6.6

Source: ARC submissions 2014/15

18. Population estimates by ethnic group are available through [Scotland's 2011 Census](#). The Census data show that the size of the minority ethnic population was just over 200,000 or 4% of the total population in Scotland. Table 2 shows that the percentage of existing social housing tenants from a minority ethnic group is 2.3%, though the figure could be higher once unknowns are taken into account.

Protected Characteristics

19. Equality is not always about treating everyone the same – it is about recognising our differences and treating people accordingly so that the outcome for each person is the same. It is about giving everyone – no matter their gender identity, race, religion, age, disability or sexual orientation – the same chance to get the same opportunities.
20. The protected characteristics set out in the Equality Act 2010 simply describe what society looks like in a modern and diverse Scotland. Equality is for everyone, no matter who we are or where we are from. The protected characteristics listed in the Equality Act 2010 are:
- age;
 - disability;
 - gender;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief; and
 - sexual orientation.
21. People with protected characteristics can face barriers that prevent them getting jobs, doing well in education, accessing public services and receiving the right kind of support from public authorities.
22. In relation to social housing, we recognise the importance of good housing as a basic human need. It provides the foundation for good health and opportunities for individuals and contributes to sustainable places and quality of life for communities. So

housing, in particular the social housing sector, plays a vital part in welfare, protection and access to opportunities for people in every age group.

Our approach

23. We are committed to meeting our equality duties and performing our functions in a way which encourages equal opportunities. We are subject to an equality duty under the Housing (Scotland) Act 2010, which requires us to perform our functions in a way which encourages equal opportunities and in particular the observance of the requirements of the law relating to equal opportunities.
24. We are also subject to duties under the Equality Act 2010. This Act introduces a public sector equality duty. This duty replaces previous public sector equality duties covering race, disability and gender.
25. This duty requires us, as a public authority, in the exercise of our functions, to have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a relevant characteristic and those who do not; and
 - foster good relations between people who share a protected characteristic and those who do not.
26. In May 2012 the Scottish Parliament approved regulations setting out [specific duties](#) that apply to listed public authorities in Scotland. We are not a listed body, and so the specific duties do not apply to us. Nevertheless, we aim to act in the spirit of the specific duties in a way that is relevant and proportionate to our role, status and activities. One direct way in which we do that is by publishing our equalities statement, which sets out what we expect from the bodies we regulate, how we promote equality in our regulatory role and as a public body, and describing the equality outcomes we seek to achieve.

Our expectations of social housing landlords

27. Our Regulatory Framework sets out clear expectations of the bodies we regulate. We expect social landlords to meet the requirements of relevant equalities legislation. This includes working to understand the individual needs of their customers and to deliver services that recognise and meet these needs. We further expect social landlords to tell us if and how they have considered equalities impacts in decisions that require our consent, and the outcome of that consideration. In order for us to meet our statutory duty, in some circumstances we may ask landlords to provide further information and evidence of this.
28. Each RSL should annually assess the skills, knowledge and diversity it needs to provide capable leadership and to be effective. The RSL should plan how it will achieve the appropriate and effective composition and profile of governing body members through on-going performance evaluation and active succession planning. Achievement of the RSL's business purpose is helped by having a diverse governing body that can better understand its customers, staff and the wider environment within which it operates. And each RSL should know what its diversity needs are and be actively planning how it will achieve them.
29. One of the most significant developments in social housing in recent years has been the growth in tenant consultation and participation. Joint working between landlords and tenants is essential to good quality, customer-focused decision making. Our

[National Reports](#) show that keeping tenants informed and giving them opportunities to participate could have a strong and positive impact on overall tenant satisfaction.

30. [The Office for National Statistics](#) (ONS) recognises that [collecting data on equalities](#) is complex because of what it terms as the “subjective, multifaceted and changing nature of ethnic identification”. ONS further notes that ethnic groups are also very diverse, encompassing common ancestry and elements of culture, identity, religion, language and physical appearance. Therefore, it is important to recognise that there are barriers to collecting accurate and complete data and that doing so may be challenging for landlords, particularly those that operate in areas of Scotland where ethnic minorities have higher than average representation in the local population.
31. A range of evidence shows that governing bodies can be more effective in delivering the objectives of the landlord if the diversity of the governing body itself reflects that of the tenants and other service users that it serves. Moreover, it is not just the diversity of the governing body in a RSL that is important but also senior staff and the staff team more widely whether in a RSL or local authority. In particular, such landlords are more likely to find effective ways of reaching, understanding, communicating and overcoming barriers associated with tenants with particular equality characteristics.

Our findings

“Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.”

Scottish Social Housing Charter Outcome 1: Equalities

32. Landlords report – on average – that they know the ethnicity of 67.9% of their tenants. The ARC data show that there is a wide range of data reporting among landlords for the existing tenant population. For example:
- almost 70 landlords know the ethnicity of at least 95% of their existing tenants;
 - of this 70, just under half know the ethnicity of all their existing tenants;
 - around 10 landlords do not know the ethnicity of at least 80% of their existing tenants; and
 - five landlords did not submit any information for the ethnicity of their existing tenants.



Positive practice

[Parkhead Housing Association](#) uses a four stage approach to help ensure that it gathers good equalities data. Applicants for new tenancies are asked to complete an equal opportunities form. If applicants decline or provide incomplete data then it is requested again at the offer stage. If still incomplete it is requested at the sign-up stage for the tenancy. The majority of new tenants have provided the information by this stage but if it is still incomplete then a housing officer will request the information when undertaking a programmed annual visit.

33. In terms of staff:
- approximately 125 landlords know the ethnicity of at least 95% of their staff;
 - of this approximately 125, the vast majority know the ethnicity of all their staff;
 - four landlords do not know the ethnicity of any of their staff; and
 - two landlords did not submit any information for the ethnicity of their staff.



Positive practice

At [Trust Housing Association](#), Equality, Diversity and Inclusion (EDI) are incorporated in the association’s [Bright Future Corporate Strategy](#) and its values, all of which have contributed to the organisation’s success in becoming the first Scottish housing association to achieve Leaders in Diversity accreditation. All employees undergo mandatory EDI training and have collective responsibility for upholding high standards on EDI. The association also has an EDI Working Group that cuts across departmental lines and involves staff at all levels, ensuring that equality and diversity are regarded as important mainstream issues.

34. Landlords are performing well in gathering data about the ethnicity of their governing body members. On average landlords know the ethnicity of 97.3% of governing body members on average across Scotland. However, seven landlords do not know the ethnicity of 25% or more of their governing body. One of the seven does not know the ethnicity of any of its governing body.
35. We are unable to provide commentary on the extent to which diversity within RSL governing bodies and staff teams reflect their existing tenant populations due to unknown ethnicity for around a third of existing tenants. In future years we hope to say more on this as the quality of the data improves.
36. The completion of equal opportunities forms – whether for existing tenants, new tenants, those on the waiting list, governing body members or staff – is not a compulsory requirement. Some tenants and service users may have anxieties about providing personal information. For tenants in particular, there may also be deeper social, historical and cultural reasons relating to their apprehension to provide information relating to their ethnicity or religious belief.



Positive practice

[Queen's Cross Housing Association](#) improved its equalities data through the *Getting to Know You* tenant survey which asked a range of questions relating to all nine protected characteristics by using a highly skilled professional market research company to carry out its survey. Queen's Cross also addressed common customer apprehensions around providing equalities data by providing a clear explanation in advance which outlined why they were asking the questions in the survey and how they would then use the data that tenants provided. Queen's Cross found that when they told tenants that the information would be used to inform how it could improve its services, better target those services for the greatest community benefit and to ensure it acted fairly as a landlord, tenants became much more willing to provide their personal information.

37. One landlord told us that less information is known in their organisation about tenants who were resident at the time of a stock transfer as the information is likely to have been gathered differently or not at all. The landlord further told us that while it was updating and gathering this information, it may take considerable time and effort to do so.



Positive practice

[New Gorbals Housing Association](#) is working in partnership with [Glasgow Centre for Independent Living's](#) Equalities Academy to review its equalities policy and procedures including its data collection policy. The Academy is a specialist in this field and is assisting New Gorbals in overcoming barriers and better developing its approach to equalities data collection. New Gorbals is committed to making sure that it collects information that is relevant and can be used to improve services.

38. There are some landlords that need to follow the lead of the many others that are performing well. These landlords need to do more to collect good equalities data.



Positive practice

[West Lothian Council](#) has taken various measures to pro-actively increase the quality of its equalities data for tenants over a number of years. For example, it has provided various briefings and awareness raising sessions for front-line colleagues in housing operations and housing need. This action has been important in ensuring that staff understand the purpose and context for collecting the information, and that they are comfortable about how to ask the right questions to ensure a response is provided by tenants/prospective tenants.

West Lothian Council is currently implementing mandatory equality and diversity awareness training for all colleagues to further enhance the capacity of the service to understand the value of equalities data. West Lothian Council has also mainstreamed the equalities questionnaire into the general tenancy sign-up process which further ensures that the relevant questions are being asked. This work has had a significant positive impact on its new tenant return rate for equalities data.

39. Without good data landlords may be unable to fully understand and take account of the equalities implications of their decisions; whether that is internally within the organisation or externally which may affect tenants and other service users. Crucially, we and these landlords will also be unable to fully determine whether and to what extent Charter outcome one is being achieved.



Positive practice

As a founder of the award-winning [Happy to Translate](#) (HTT) initiative, Trust Housing Association continues to develop tools and processes to support HTT's diverse membership to overcome the language barriers in service delivery. All members receive access to comprehensive multi-lingual tools available over a range of media; paper based, online and mobile, which enable staff to establish a service user's language and communicate with them. This helps to create a welcoming environment which builds trust with those who have little or no English.

40. Landlords gathering and then assessing good quality equalities data for their tenants and others is crucial. It is the first step to gaining a better understanding of, and being able to communicate more effectively with tenants and other people that use landlord services such as those at risk of homelessness, factored owners and Gypsy/Travellers.



Positive practice

Queen's Cross Housing Association's [Equality and Diversity Strategy 2013-2016](#) was developed using the evidence from its equalities data to inform many of the actions included in its extensive 48 point action plan.

Community Development initiatives which have been informed by Queen's Cross's equalities data include its [Sharing Lives, Sharing Spaces](#) project aimed at engaging more closely with its Chinese communities over a range of activities and English classes for residents who do not speak English as their first language.

More widely, good equalities data has particularly informed the Association's approach in engaging with the large Chinese community within its neighbourhoods. Queen's Cross has used the data it holds to consult with its customers in a targeted way. Through this Queen's Cross has been able to identify barriers and concerns. It has translated its complaints handling procedure into community languages where a lack of awareness had been specifically identified through targeted consultation using equalities data.



Positive practice

The current mix of staff at [Southside Housing Association](#) has helped to ensure that many service delivery teams have at least one person from a Black and Minority Ethnic (BME) background. This is a reflection of positive action in recruitment, and the profile of the local communities that staff are drawn from. While there is significant diversity in the BME community, this approach means that staff have a number of community languages such as Punjabi and Urdu, which is especially helpful in the frontline service teams. Moreover the current mix of staff helps to ensure that Southside understands the different needs of its tenants and others that may use its service.



We recommend that landlords

- » Review their data collection approach for the equality elements of the ARC so that submissions are complete as far as reasonably possible. Many landlords are doing well in this regard but others need to show significant improvement in future ARCs.
- » Minimise unknowns in their ARCs. Landlords who submitted no data for elements of the equalities part of the return need to undertake immediate steps to correct the position.
- » Collect and use good equalities data to help inform their understanding of the individual needs of their tenants and other service users.
- » Consider whether satisfaction surveys – with the permission of the relevant tenants – could be used to gather specific information about the opinions of those with particular equality characteristics.
- » Use good quality equalities data to tailor and target their approach to communicating with tenants and other service users.

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Terms we use in this report

Annual Return on the Charter (ARC)	Each year all social landlords must provide us with contextual data such as stock size. They must also provide data against particular performance indicators.
Governing body	When we refer to the governing body we mean the management committee or board of management of an RSL. Governing body members are not employees of the RSL. The people on the governing body, and the skills and knowledge they collectively have, are the most significant contributors to the good governance of a RSL.
Happy to Translate	An initiative to improve the quality of life of people in Scotland who speak or read little English or who use a non-verbal language. Member organisations display a logo to indicate that they will provide language assistance in the form of confidential translation and interpretation.
Inquiry	The Housing (Scotland) Act 2010 gives the Scottish Housing Regulator powers to obtain information and carry out inquiries. An inquiry can be used to get assurance about an issue, assess an issue or concern with a landlord, or scrutinise or investigate a landlord's performance.
Landlord	These are registered social landlords (RSLs) such as housing associations and housing cooperatives, local authority landlords or a local authority which provides homelessness services.
Protected Characteristics	The Equality Act covers age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called protected characteristics.
Registered Social Landlord (RSL)	A social landlord registered and regulated by the Scottish Housing Regulator, such as a housing association or housing cooperative.
Registered Tenant Organisation (RTO)	A tenant-representative group meeting certain conditions set down in the Housing (Scotland) Act 2001 and registered with a social landlord.
Scottish Government	Housing policy in Scotland is the responsibility of the Scottish Government. The Scottish Government also collects housing and homelessness data.
Scottish Social Housing Charter	The Scottish Government's standards and outcomes that social landlords should be achieving for their tenants, homeless people and other service users.
Tenants and other service users	Tenants are those that currently live in a home owned and managed by a social landlord. Other service users are those that are not tenants but use services provided by social landlords such as Gypsy/Travellers, homeless people and owner occupiers that receive factoring services.

