



PENNINGTONS
MANCHES
COOPER



INCLUSIVE GOVERNANCE

Penningtons Manches Cooper LLP
Housing Diversity Network

SPEAKERS



Gemma Bell, Partner



@Gemma_A_Bell



Gemma Bell

Gemma_A.Bell@penningtonslaw.com



Sharon Thandi, Associate



@SharonThandi07



Sharon Thandi

Sharon.Thandi@penningtonslaw.com



PENNINGTONS
MANCHES
COOPER



Agenda

- Setting the scene
- Why is equality, diversity and inclusion important?
- Drivers for change
- Barriers
- Accountability and measuring performance
- NHF Code of Governance
- Discussion



SETTING THE SCENE



PENNINGTONS
MANCHES
COOPER



What is diversity?

- **Diversity** refers to the presence of people who, as a group, have a wide range of characteristics, seen and unseen, which they were born with or have acquired. These characteristics may include their gender identity, race or ethnicity, LGBTQ+ status, disability status, and more.

What is inclusion?

- **Inclusion** is where people's **differences are valued** and used to enable everyone to thrive at work. An inclusive working environment is one in which **everyone feels that they belong without having to conform**, that **their contribution matters** and they are able to **perform to their full potential**, no matter their background, identity or circumstances. An inclusive workplace has fair policies and practices in place and **enables a diverse range of people to work together effectively**.

Diversity in the Sector

- **According to the Inside Housing survey conducted in 2019, from the organisations that responded, what proportion of housing association board members are female?**
 - a) 36%
 - b) 41%
 - c) 17%
 - d) 48%



Diversity in the Sector

- **Based on the same survey respondents, what proportion of housing association board members identify as LGBT?**
 - a) 1.6%
 - b) 2.5%
 - c) 3.1%
 - d) 2.4%

Diversity in the Sector

- **What proportion of housing association board members identify as living with a disability?**
 - a) 1.6%
 - b) 4.8%
 - c) 3.1%
 - d) 2.7%



Diversity in the Sector

- **What proportion of housing association board members identify as BAME?**
 - a) 20.1%
 - b) 6.7%
 - c) 13.6%
 - d) 15.3%



Diversity in the Sector

- **What proportion of landlords responded to Inside Housing with no BAME representation on their Boards?**
 - a) 20%
 - b) 31%
 - c) 52%
 - d) 40%

Diversity in the Sector

- In a 2020 survey how many respondents said that they felt their progress at work had been held back due to discrimination?
 - a) 25%
 - b) 31%
 - c) 54%
 - d) 40%



DRIVERS FOR CHANGE

Drivers

- Equality Act 2010 and Human Rights Act 1998
- Black Lives Matter
- Governance and Financial Viability Standard
- Tenant Involvement and Empowerment Standard:
“...demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.”

Drivers

- Social Housing (Green and) White Paper
- Sector Risk Profile
- NHF Code of Governance 2020
- Legal, moral and economic arguments

BARRIERS

The Barriers

The barriers to inclusive governance models

Knowledge	Occupational segregation
Time	Unconscious bias
Costs	Lack of integration into business management
Recruitment	Lack of consistent ownership
Other needs	Communications barrier
Balancing other regulatory requirements	Resistance to change



Positive discrimination vs affirmative action

- Positive discrimination = generally unlawful
- Circumstances where a protected characteristic is required
- Positive action = generally lawful (provided the conditions in s158/159 Equality Act 2010 met)
- The “Rooney Rule”

ACCOUNTABILITY AND MEASURING PERFORMANCE



PENNINGTONS
MANCHES
COOPER



Learning from other sectors

- Sport England and UK Sport – Diversity Plan 2019:
 - Quotas on Boards
 - Programme to boost diversity, with support package
- The NHS:
 - NHS Citizen
 - Youth Forum
 - Older People’s Sounding Board

Initiatives in the sector

- Designated board roles e.g. under 30
- Shadow / junior boards
- Equality and diversity working group(s)
- Placing value on lived in experience
- Digital inclusion
- Unconscious bias training
- Reverse mentoring
- Impact assessments

NHF Code of Governance 2020

- Board – clear and active commitment to embed ED&I
- ED&I focus on all activities
- Board and committee composition
- Policies to meaningfully demonstrate commitment
- Setting priorities and objectives
- The communities the organisation serves
- Hearing the resident voice

Accountability

***“what gets measured,
gets done”***



Accountability

- Use of data
- Regular assurance
- Tracking progress
- Annual review of effectiveness
- Annually **publish** information on work and progress

Actions

“How do you eat an elephant?”



Discussion

- Why is diversity and inclusion important?
- What are the barriers and how can we overcome these?
- How do we recruit and maximise the use of Board Members' diverse skills in decision-making?

QUESTIONS / DISCUSSION



PENNINGTONS
MANCHES
COOPER

